

Annual Judicial Conference

The Third Annual Judicial Conference will be held on Thursday, February 15, 1962, according to William C. Conner, vice chairman of the Committee on Meetings and Forums. The two judges who will speak are Hon. Thomas F. Croake and Hon. John F. Dooling, Jr. Judge Croake was sworn in on October 2, 1961, and sits in the Southern District. Judge Dooling ascended the bench in the Eastern District one month later.

The judges will discuss problems of judicial administration and how they view the problems. A question and answer period will permit an interchange of ideas between the attorneys present and the judges. A particularly interesting aspect of the meeting should be the disclosure of the speakers' first impressions as judges.

The Hotel Roosevelt, Madison Ave. at 45th Street, has been selected for the meeting. J. Harold Nissen and Paul M. Enlow, who are assisting as the subcommittee in charge of this event, report that the meeting will be held in the Palm Terrace and will start at 5:30 p.m. The dinner will follow at 7:30.

Coming Patent Office Exhibits

The NYPLA Subcommittee on Exhibits has been acting as local agent for exhibits staged in New York by the Patent Office. The following new exhibits are announced for March:

The first exhibit is sponsored solely by the Patent Office. It will be located in the Seventh Avenue Arcade of the Pennsylvania Station, and will be opened on March 12th, running for two weeks.

The second exhibit is also sponsored by the Patent Office, but industrial companies will contribute exhibits. This will be on display in the North Gallery of Grand Central Terminal, and will be a larger exhibit than the one in Pennsylvania Station. It will start on March 19th and will continue for two weeks.

The two exhibits will overlap for one week. Members of the Association are urged to attend one or both of the displays and to tell others who may be interested.

CALENDAR

Feb. 15th	Third Annual Judicial Conference. Palm Terrace, Hotel Roosevelt. Meeting at 5:30 p.m., with dinner at 7:30.
Mar. 23rd	40th Annual Dinner in honor of the Federal Judges.
Apr. —	Antitrust Meeting.
May 24th	Annual May Business Meeting. M. Guillaume M. Finnis, Inspector General, Chief of Industrial Property Office, Ministry of Foreign Industry of the French Government will discuss "Patents and Trademarks in the European Common Market."

FOREIGN PRACTICE IS SUBJECT OF THE NYPLA JANUARY FORUM

The first Forum dinner of 1962 was held on January 16th at the Hotel Piccadilly. The program was devoted to foreign practice, with the emphasis on trademarks. Cameron K. Wehringer of the Committee on Meetings and Forums opened the meeting, and Joseph D. Garon introduced the speakers to an audience of over two hundred members and guests.

Burton P. Beatty, a Senior Patent Attorney of IBM, spoke first on **Compensating Employee-Inventors Under European Law**. He was followed by Eric D. Offner of Haseltine, Lake & Co., who dealt with the **Protection of Trademarks in Foreign Countries**. Mr. Offner was assisted during the question period by a panel which included James E. Archer of American Cyanamid Co., Paul Hoffman of American Home Products Corp., and Eric H. Waters of Haseltine, Lake & Co. The final topic was **Licensing of Know-How in Foreign Licensing Agreements**, which was presented by Howard P. Peck of Langner, Parry, Card & Langner.

COMPENSATING EMPLOYEE-INVENTORS

Classification of Inventions. Mr. Beatty approached his subject by pointing out that the European countries are not equally strict in their handling of employee-inventions. He named Great Britain and France as most liberal, Germany and Sweden as most restrictive, with the Netherlands, Italy, Austria, and Switzerland in an intermediate position. For convenience he divided inventions into three classes: (1) service inventions (those within the scope of employment and within the field of the employer's business); (2) dependent inventions (those outside the scope of employment, but within the field of the business); (3) free inventions (those outside both the scope of employment and the business). This last class, he said, is generally recognized as belonging to the employee, and the employer is normally required to negotiate for these inventions on an individual basis.

Mr. Beatty said that in Britain and France the employer can confirm his exclusive right to all service and dependent inventions made during the employment without special compensation. He must negotiate with the inventor for the free inventions.

Adequate Remuneration Requirement. In the Netherlands, Italy, Austria, and Switzerland the employer may acquire an assignment of service inventions by employment contract or otherwise, the requirements varying within the countries. In these countries, however, it is frequently provided by law that unless adequate compensation is specifically provided for, the inventor is entitled to receive separate or additional remuneration for his invention, in the computation of which his salary and the use made of the invention will be considered. Provision is made in some countries for determining the amount of compensation by the Patent

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Office, by the courts, or by arbitration if the employer and employee cannot agree. The employer can usually obtain exclusive rights under a dependent invention, particularly if it is covered by a contract, but the employee may be entitled to special or additional compensation.

In Germany the salaried employee must report all service inventions to the employer, who can claim full or part ownership in the invention. Mr. Beatty said that the German law requires the employer to compensate the employee for every invention made by him and claimed by the employer, and this applies even to suggestions for technical improvements. The Ministry of Labor in this case provides a guide for determining suitable compensation. The employer must also be offered a non-exclusive license under free inventions, which include everything except service inventions.

It was pointed out that in Sweden service inventions belong to the employer, who will have to pay reasonable compensation to the inventor. Dependent inventions are subject to an option in the employer under which he can acquire an exclusive or non-exclusive license, again, upon payment of reasonable compensation.

Employment Contract Can Be Important. It was evident from Mr. Beatty's comments that the European employer can best be protected by a carefully drawn employment contract which deals as specifically as possible with the inventions contemplated. This, he pointed out, will help to avoid litigation between the employer and employee in which a union contract may be involved. Such a contract is most helpful in Britain and France and least useful in Germany. It should also be noted that in some countries both the employer and the employee are required to lay claim to their legal rights within stated periods. This is particularly true in Germany.

TRADEMARK PROTECTION

In discussing the subject of **trademark protection**, Mr. Offner referred to a number of items which require consideration in a foreign or world-wide trademark filing program.

Translation and Transliteration. It is important, he said, to choose trademarks which do not have embarrassing meanings in foreign languages, and consideration should also be given to protecting a form of the mark in the particular alphabet or language of the country in which registration is sought. This involves consideration of the characters and alphabets of languages as diversified as Japanese, Chinese, Korean, Hebrew, and Arabic. It is possible and advisable in many countries, Mr. Offner pointed out, to combine in a single application forms of the mark in two or more transliterations.

Another important item, he observed, was to determine how the respective trademarks might be pronounced in different dialects of a particular language. The trademark attorney should try to place himself in the position of a person in the jurisdiction in which he is dealing, in order to help him solve the particular problems which may occur.

Mr. Offner also explained defensive and reserve mark registration programs for trademarks. It was Mr. Offner's opinion that defensive registration was insuffi-

cient for important trademarks, and that it was advisable to secure reserve mark registrations in those jurisdictions which had no requirements for use of the mark either prior to filing or for maintaining a valid registration. In such jurisdictions, he said, it is possible to select and file for trademarks which are similar to the principal existing trademark of the client. In this manner one can obtain a very broad ambit of protection. If the mark is of sufficient importance, reserve marks should be registered even in those jurisdictions where some requirements for maintenance exist, but where it is unusual to enforce such requirements, for goods dissimilar to those of interest.

Modernization of Trademarks. Another problem frequently encountered, Mr. Offner pointed out, arises from the fact that many companies who secured registrations many years ago have changed the form and usage of their trademarks. In some circumstances, he said, the countries of the International Convention offer protection for the changed mark in such situations, but some countries prohibit even a slight deviation from the mark as registered. The speaker cautioned against dropping an old registration before registration on a new form of the mark is obtained, because, if there is a hiatus, intervening rights of third parties may cause difficulty. In most common law jurisdictions a solution is to apply for alteration of the existing registration. In this manner, the registrant can maintain the old registration date, does not encounter objections on the issue of inherent registrability, and is afforded protection in technical trademark infringement actions for the exact form of the mark which he is currently using.

Protecting the configuration of goods as a registered trademark has been of considerable interest in the United States because of the trademark protection granted on a particular distinctive container. A number of companies, regardless of whether or not United States registration was obtained on the configuration of the goods, have secured such protection in foreign countries.

Mr. Offner was of the opinion that registration of configuration of goods or of distinctive containers as trademarks is the broadest protection possible of any industrial property right, because it can not only prevent the use and registration of similar configurations of goods, but also, as a trademark registration, can always be renewed, and thus can afford protection for as long as the proprietor desires it.

Classification. In many civil law countries, Mr. Offner pointed out, the official classification of goods not only serves as an index for the Patent Office, but also limits substantive rights. In a recent case involving "MAIDENFORM" in Colombia, this "doctrine" was upheld, and judicial recognition was thus given to the concept that a registration in one class may not constitute a bar to the registration of the identical mark in another class.

However, the idea of a "doctrine" as we know it in the United States is not recognized in many jurisdictions, such as Colombia, where the principle of *stare decisis* does not apply. In one instance, by citing cases from certain other countries, it happened that a registrant succeeded before the same court that earlier in the same year reached a different result under substantially identical facts; this was the "DAN RIVER" case in Colombia. It was held there that a registrant

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can succeed against a trademark applicant for the same mark in a different class. This latter principle was further extended, in the "DAN COUVER" case, to apply to marks which are similar but not identical.

Foreign Trademark Searches. Unusual search problems occur in certain countries, the speaker observed. For example, when one orders a preliminary search from a Swiss associate, an Examiner in a trainee position at the Swiss Patent Office furnishes the preliminary search report, whereas, when the trademark application is filed, examination of the application, including a more effective search, is conducted by an experienced examiner, who will often locate a reference showing prior registrations of conflicting marks. It was therefore Mr. Offner's opinion that in some countries, e.g., Switzerland, the best search, if time permits, is obtained by actually filing a trademark application for the subject mark. To obviate difficulties inherent in all searches, it is advisable to obtain reserve mark protection in foreign countries long before a new product using the mark is marketed there.

International Registration. American companies with industrial and commercial branches in a country which is party to the Madrid Arrangement can secure an international registration, although it is best to limit this practice to secondary, defensive, and reserve trademarks. Although there are certain risks involved, some companies believe that these risks are outweighed by the advantage of protection obtainable in twenty countries simultaneously for such trademarks. A United States company having a branch in a country which adheres to the Madrid Arrangement can have an International registration assigned or transferred to it.

Registrations, when associated, can only be assigned together at the same time to the same assignee. In certain cases, an applicant should insist on association of marks even when the Patent Office should fail to require association of the marks, because association of marks can become important in problems of user requirements and inherent registrability.

Mr. Offner cautioned that the assignee does not always stand in the shoes of the assignor, and cited a case in France where the purchase of a registration was held to be an act of unfair competition by the assignee.

KNOW-HOW LICENSING

In discussing know-how licensing Mr. Peck pointed out that the problems of the American licensor in Europe are becoming much more acute and that the European licensees are frequently in a more favorable position vis-a-vis the licensor than they used to be.

Licensees Want Know-how. Today's prospective licensee wants to know what patents the licensor has to support the license; what trademarks will be available to him. He also wants to know what additional industrial or technological information, manufacturing assistance, etc. will be made available to him to help him manufacture the licensed product at a profit.

From his intimate experience with the manufacture of the product the licensor possesses improvements, skills and techniques which may make the difference between a profit or a loss. This is his know-how. Some of this know-how may not be secret, but it may be

unique in combination. In evaluating this know-how, which can be of greater value than the patents, Mr. Peck would determine what it would cost a competitor, in time and money, to arrive at the same state of knowledge.

There are no cases deciding whether know-how is a form of property. It is sometimes described as analogous to a trade secret, but the rules applicable to the latter do not fit know-how. At the present time there is no monopoly right in know-how, but Mr. Peck pointed out that there is a trend which might eventually give it the status of a property right.

Contract Can Be Critical. In order to protect know-how against foreign court actions Mr. Peck recommended a carefully drawn contract, which is likely to receive recognition at least in the civil law countries. The contract should define the know-how, indicate the confidential relationship, stress the unique and substantial value of the know-how, and should show that the licensee has been placed in a better competitive position by receiving the know-how. The licensee should be required to bind his employees to hold the material confidential. The licensor also may wish to require the licensee to take the necessary steps to stop the use of the know-how by third parties if the information should leak out.

The licensor should, of course, be concerned with what happens to his know-how at the termination of the agreement. It was pointed out that full recapture of the information is not possible, but an endeavor to recapture as much of it as is possible should be made. In view of the rapid advance of technology the American company might be satisfied to limit the licensee to the use of know-how for a stated term. What the licensor needs, the speaker said, is time to repair his competitive position at the time the agreement ends.

Sale or License? Another problem for the licensor is whether the know-how should be sold or licensed. Mr. Peck recommended that in some cases the know-how be turned over on a one-shot basis, for a lump-sum payment. On the other hand the licensor may agree to constantly replenish the know-how, in which case it is appropriate to collect regular fees or royalties from the licensee.

A separate license agreement for know-how was recommended by Mr. Peck. He would not recommend putting know-how in the same contract with patents or trademarks since it may be considered as incident to the patent grant. Also the licensor may wish to submit the agreement in connection with a trademark contest and not disclose the know-how features. He also feels that it is better to segregate know-how to avoid complications in the event the patents should be held invalid.

Identify Know-how. Mr. Peck would describe as specifically as possible what is passed as know-how and would even affix blueprints and drawings as exhibits, with the requirement that they are to be returned on breach of the contract. He considers that this would be helpful if it should be necessary to go to court on the contract.

In closing, Mr. Peck cautioned that in dealing with Iron Curtain Countries it should be remembered that the Russians do not recognize a property value in know-how.

COMMUNICATION FROM THE NYPLA BOARD OF GOVERNORS

During the past few years there has arisen a vigorous controversy within the Government and between Government and Industry as to the contractual provisions applied in research and development contracts between Government and Industry with respect to the disposition of property rights in inventions resulting from the performance of such contracts.

This controversy will be before this Session of Congress and involve, in essence, the question whether the Government should have title to or should have a non-exclusive license under inventions made during the performance of a research and development contract. At the present time and except in limited cases, the Department of Defense grants such contracts under the non-exclusive license policy. AEC and NASA grant such contracts under the title policy. Other agencies have adopted one policy or the other, or both, as it suits their purpose. Many members of Congress are interested in formulating a uniform policy.

The Board of Governors of this Association believes that the individual Association members may afford Congress substantial aid in resolving this controversy by submitting any known instances of factual situations or case histories involving patents and patent rights of contractors in Government-financed research.

If you know of any such situation which in your opinion may shed light on the merits of the issues involved in this controversy, the Committee on Government Relations to Patents would like to be advised. Please send your information to Mr. Hugh A. Chapin, chairman of this committee, 165 Broadway, New York 6, New York. Mr. Chapin will see to it that you are interviewed concerning the situation reported by you.

Your Association thanks you for any aid you are able to provide on this matter and, in turn, promises to abide by your wishes regarding any identification of your story by name or otherwise and to take up a bare minimum amount of your time in eliciting your story.

The Board of Governors, at its meeting of January 17, 1962, authorized the publication of this statement in the BULLETIN.

—Frank W. Ford, Jr., Secretary

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ATTORNEYS AT LAW, INC.

1961 was marked by an increased interest in legislation concerning professional associations and corporations. One of the highlights that caught attention was a decision of the Supreme Court of Florida (133 So. 2d 554) construing such legislation as a frank and forthright effort to adapt professional relationships to the requirements of the Internal Revenue Service in order to obtain equal footing with other taxpayers.

Until just a few months ago, it was almost impossible for professional people to share in the big federal tax benefits available to "employees" through pensions, profit-sharing, etc. The federal tax law does not classify practicing professionals as employees, and the states would not allow them to incorporate.

Professional Corporations. The trend now has taken a sharp turn, and all this is changing. Several states, during 1961, passed laws enabling professionals to incorporate, and many other states have such legislation pending. Even the ABA Committee on Ethics issued an opinion (No. 303) declaring that practicing law in the corporate or association form is not itself a violation of the canons of ethics, provided certain safeguards are adopted.

The New York State Legislature is not taking a leading position in this trend. The professional incorporation bill (S. 1683) was killed at the last session.

The passage of enabling legislation has not been the end of the matter in some states. Ohio's Legislature passed such legislation, but Ohio's Secretary of State refused to accept the papers presented by the first attorneys seeking to incorporate, and an action in mandamus has been initiated (State ex rel. Green v. Secretary of State).

Status of Legislation. Present state laws permit the following forms of organization:

Alabama	— associations
Connecticut	— associations
Florida	— corporations
Georgia	— associations
Illinois	— associations
Ohio	— corporations
Tennessee	— associations
Wisconsin	— corporations

Historically, the reason for the prohibition against the practice of law by a corporate entity is to preserve the trust and confidence of the attorney-client relationship. It seems to follow, therefore, that if a means can be devised to maintain this relationship, passage of suitable enabling legislation should be forthcoming in all states.

ROYALTIES ON EXPIRED COPYRIGHT?

In connection with the recent award to the musicians of the Metropolitan Opera Association, the United States Secretary of Labor, Arthur J. Goldberg, called for "direct Federal subsidy for theatrical and musical performances."

Advocating increased voluntary support for all the performing arts by the public, corporations, patrons, and unions, he urged also that a Federal advisory council on the arts be established, to be charged with considering ways to assist the artist. Such assistance, he suggested, might be by the reduction of income taxes for artists, or by subsidies defrayed by governmental collection of continuing royalties on music for which the copyright had expired.

Editor, NYPLA BULLETIN:

In the January 1962 Bulletin you have offered the services of the Bulletin as a forum for those who wish to comment on the proposed maintenance fees or taxes for patents.

Whether or not the Patent Office should be the only self-supporting Government organization is open to question. However, it does appear clear that the Patent Office needs a larger budget and some increase in the fees would seem indicated to support the request for an increased budget.

It would appear that the increase should be in fees, i.e., a payment for a service rendered rather than a tax, i.e., a compulsory contribution for the support of Government. The so-called maintenance fees are not fees but rather taxes. As such they may be viewed by the Government as general income without relation to the Patent Office since it can be argued that they have no relation to the Patent Office because the services rendered will have long since been complete prior to the payment of the maintenance tax.

During the course of the years since the last increase in patent fees, other legal fees in connection with obtaining a patent have risen very substantially and it can hardly be said that a reasonable increase in Patent Office fees would be the straw that broke the camel's back. It is believed reasonable that the fees should be collected at the time the service is rendered and in some reasonable relationship to the amount of service rendered. As professional fees may average \$400 for filing a patent application, \$75 for amending an application, and \$400 for appealing an application, the following schedule of Government fees would not seem unreasonable.

Should Attorney Advise the Examiner of Best Art Known?

Should the Patent Bar aid patent prosecution in the Patent Office by bringing to the attention of the Examiner the most pertinent references known? This is the subject of a communication from one of the Association's members, Albert C. Johnston. Mr. Johnston urges that prompt and careful consideration be given to ways in which the Patent Bar can assist the Patent Office in reducing the time devoted by Examiners to search work.

Since other attorneys will have definite opinions on this subject, the BULLETIN is opening its facilities to members who may wish to present their views and discuss the question further.

The Examiner Needs Help. Mr. Johnston points out that the Examiner's search burden has pyramided with the passage of time and that the resulting decrease in the Examiner's output has led to proposals which would reduce the attention given to the merits of patent applications. Mr. Johnston views this as a hazard to the development of clearcut issues and the just disposition of applications. He also states that failure to completely develop the art during prosecution has probably been the greatest single cause of invalidation of patents.

It is Mr. Johnston's belief that in a majority of cases the lawyer knows most of the pertinent prior art by the time the application is filed. He contends that it is obviously wasteful for an Examiner to re-cover search paths which the applicant has already been over.

It is suggested that the basic filing fee be raised to \$60 with an extra charge of \$10 for each sheet of drawing in excess of two, \$10 per page of specification in excess of five defined pages, \$10 for each claim in excess of five under consideration at any one time, \$20 upon filing of the first and second amendment, or the inclusion of this fee in the final fee in the event either amendment is omitted, an issue fee of \$60 and an appeal fee of \$60.

Investigation of other professional charges may indicate that these fees are about a 10% increase in the total of professional fees, drafting fees and Government fees. Since an average application is in prosecution several years these fees will be spread out. It is not likely that there will be objection by attorneys whose primary interest is in the future of the patent system and not a possible short term slight curtailment in their business.

The maintenance tax would be most harmful to individual inventors and if they were able to avoid or defer the tax, they might possibly continue to do so even if they license their invention rather than assigning it to a corporation. There are also very many small corporations in a position similar to individuals as related to financial means and it would be virtually impossible to fairly determine who should be permitted to avoid or defer the tax. Certainly there are some patents which are not used in the early stages because they are somewhat ahead of their time in particular arts and persons or corporations of limited means might have permitted these to become abandoned prior to attaining their usefulness.

Edward J. Willey, Patent Counsel,
The Patent and Licensing Corporation

He points out that immediate access to references collected in preliminary searches would help the Examiner to locate quickly the pertinent fields of search and thus narrow the range of investigation.

Voluntary Action by Patent Bar? Mr. Johnston would like to see action taken by the Patent Bar to encourage the filing, with new applications, of lists of references collected in preliminary searches; perhaps, by setting up a program of voluntary action to this end. He views this as a necessary and constructive practice in the light of the increasingly heavy application load in the Patent Office.

He concedes that many solicitors will probably not agree with his thesis; namely, that it is unsound for patent lawyers to keep important evidence concerning patentability to themselves and to throw upon the Examiner and the defendant the burden of finding it.

Many solicitors may not consider themselves justified in listing references for the aid of the Patent Office on the ground that to do so would lessen their chance of successful prosecution on behalf of their clients. Mr. Johnson points out, however, that if, by collective action, furnishing of the best art were to become accepted practice, many of those who now would be unwilling to disclose the best art known to them might then be willing to do so. He believes that compliance should be a matter of principle and that disclosure should not be based on a reward system, as has been suggested.

NEW NYPLA OFFICERS APPOINTED

A Board of Governors meeting was held on January 17th to fill the vacancy in the office of First Vice President created by the death of the late Paul S. Bolger on December 12th. The Board appointed Cyrus S. Hapgood as First Vice President. John N. Cooper was appointed as Second Vice President to fill the office formerly held by Mr. Hapgood, and Mr. Albert C. Johnston was named as Third Vice President to replace Mr. Cooper. Mr. Johnston's place on the Board of Governors is being filled by Henry W. Koster, who has been serving as Vice Chairman of the Committee on Admissions. These appointments were made in conformance with the provisions of Article X of the Constitution.

BERMUDA OUTING DROPPED

The Committee on Meetings and Forums has completed its poll of the membership on the question of moving the annual outing to Bermuda. Of the 91 members replying, 50 were counted for, and 41 against, the proposal. The committee recommends, the Board of Governors concurring, that the idea be dropped in view of the relatively small number of replies received.

It will be recalled that the original proposal called for a chartered flight to Bermuda and a weekend of golf. A dinner-dance was planned and it was anticipated that there would be an opportunity to hear a speaker on a subject of professional importance and interest.

George Whitney, chairman of the committee, noted that 75 to 80 persons usually attend the annual outing when it is held at a suburban country club. He indicated that this year's outing will probably be held at the Knollwood Country Club. Plans are being made for golf, tennis, and swimming in the afternoon, and dancing in the evening.

When pressed for a statement regarding the committee's views on a future, or additional, outing in Bermuda, Mr. Whitney would only say that the committee had no recommendation to make at this time.

PATENT COURSES AVAILABLE

In order to be able to answer inquiries from members as to available patent courses, the Committee on Public Information and Education of the NYPLA has checked with the various local universities as to the courses which they offer.

The inquiry indicates that the following patent courses are offered in the metropolitan area:

Brooklyn Law School—Course in patent law. Not offered, spring 1962.

Columbia University Law School—Seminar in patent law.

Columbia University School of General Studies—"Advanced Patent Law" course given during spring session.

New York Law School—Patent law course in graduate division.

New York University, College of Engineering, Graduate Division—Course in patent and invention administration. Not offered 1961-62.

New York University, College of Law, Graduate Division—Course in advanced patent law. Not offered, spring 1962.

NEW MEMBERS ELECTED

At its meeting on December 19th the Board of Governors confirmed the admission of fifteen active members and elected two new life members. The new life members are Walter E. F. Bradley, who has been a member of the Association since 1924, and Clarence M. Crews, who joined the NYPLA in 1928. Mr. Crews and Mr. Bradley have both retired from active practice.

Elected to active membership were: Jerome Bauer, Charles E. Baxley, Daniel H. Brown, Morton David Goldberg, John J. Goodwin, Clyde H. Haynes, George P. Hoare, Frank J. Jordan, Maurice W. Levy, William C. Long, Roland Plottel, Joseph L. Spiegel, Eugene C. Trautlein, Clement J. Vicari, and George N. Ziegler.

At a subsequent meeting of the Board of Governors on January 17, nine new members were admitted. These new members are Henry W. Archer, Marcus B. Finnegan, Charles A. Huggett, Patrick J. Joyce, Charles E. McKenney, Henry J. E. Metzler, John F. Ohlandt, Jr., Harry Max Weiss, and Donald Layton Wood.

DEFENSE DEPARTMENT CONTRACTS

The patent rights clause in the **Armed Services Procurement Regulations**, which formerly assured the government only a non-exclusive license to use inventions developed under government financed contracts, has been expanded in the area of **satellite communications research and development**.

Contractors carrying out research and development work in any field related to space will hereafter be required to grant to the government the right to sublicense other manufacturers who are suppliers to the government of contractor-developed inventions. **Deputy Assistant Defense Secretary, Graeme C. Bannerman**, is quoted as saying that the action was taken "to insure that no contractor emerges from doing research or development work in this or related programs with a patent position which might dominate future commercial communications or equipment therefor."

This change in regulations was said to have been made as part of an "urgent requirement" to bring Department of Defense procedures into conformity with those of the National Aeronautics and Space Administration. At the same time disclaimer is made of any endeavor to reform or change the entire patent system in the government.

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