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SFSLG-3
 Intelligence Branch
 Attention: Major Ruple

Patent Office Secrecy Orders
 Legal Division
 31 Aug. 45

1. On a meeting held on Thursday, 30 August 1945, in the office of the Commissioner of Patents, it was announced that an order would be issued on that date by the Commissioner, rescinding all secrecy orders under Public Act 700, effective 30 November 1945. At the same time, a letter will be addressed to all department heads, stating that if there are any patent applications for which there is a special desire or need for secrecy, the Commissioner will consider reinstating the secrecy order.

2. This latter promise is based on the assumption that not more than 200 or 300 secrecy orders all told will be reinstated.

3. The basis on which requests for reinstatement of secrecy must be made is that the invention shown is primarily or predominantly military in its application and that failure to release it to the public will result in no material loss to civilian industry, reconversion, or development.

4. It is suggested that as regards the inventions for which Signal Corps is responsible, the only inventions falling within this category are those relating to cryptology and offensive countermeasures. It has been suggested that defensive countermeasures will be of great value to the civilian economy in offering methods of communicating through interference and of closer spacing of communications channels.

5. The principles laid down imply that no inventions will be kept secret because they relate primarily to specific frequency bands, since these bands offer additional channels for communication, radar, etc. It has been indicated that even IFF will be valuable in preventing railroad collisions and the like.

6. An apparent exception to the above principles may exist where patent applications, although applicable to civilian use, are described in connection with a war-time development and substantially disclose equipment which is still classified in such manner as to make its tactical use evident. In such cases the secrecy order may be temporarily restored in order to permit the applicant to delete from his specification the unnecessary military disclosure.

7. It is to be noted that the three month respite thus given will be decreased by a declaration by Congress or the President that the war is over insofar as it affects Public Act 700. A move is afoot to extend this Act on a greatly curtailed basis during peace-time, but this also requires Congressional action, and Congress may refuse such an act.

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8. The only certain way of maintaining secrecy indefinitely on any patent is for the Government to take the legal title and place the application under the "3 year rule". Title may be taken on a basis which provides for its reversion to the patent already shown, the declaration of an interference or the issuance of a patent. Every effort should be made to secure such reversionary assignment in those cases in which continued secrecy is of paramount importance.

9. Legal Division would appreciate receiving lists of projects or inventions known to the various development sections which they particularly desire to have withheld from the public. Where inventions themselves are not known to the development groups, projects still classified as secret, together with lists of contracts which are outstanding under such projects, will assist us in determining what field should be searched in our efforts to reinstate secrecy orders.

10. Suggestions as to purely military fields outside of cryptology and countermeasures will also be useful.

FOR THE DIRECTOR, LEGAL DIVISION:

DONALD K. LIPPINCOTT, Col., Sig C.
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SM 3471 from Joint Chiefs of Staff to the Army and Navy Patent Advisory Board, dated 20 September 1945, signed by Brig. General McFarland.

"This present memorandum refers to the memorandum from the Joint Chiefs of Staff to the Army and Navy Patent Advisory Board, SM-2726, dated 30 July 1945, subject, release of patent applications withheld from patent in the national interest.

"In the opinion of the Joint Chiefs of Staff there no longer exist any military reasons for withholding from issue patents on inventions which are generally applicable to civilian use, and they would, therefore, view with approval the release from Patent Office secrecy, of all applications for patent except those which disclose inventions and service applications thereof, the usefulness of which is primarily military."