

AFSA-03A5/ILP
25 October 1950

MEMORANDUM For Mr. William F. Friedman

SUBJECT: United States-United Kingdom Patent Agreements

1. The latest formal agreement specifically delineating the rights and duties of the United States and British Governments relative to patents and inventions was the so-called Patent Interchange Agreement, now expired.
2. The Mutual Defense Assistance Treaty of 1950 (Atlantic Pact) contains a clause obligating the United States and the United Kingdom to negotiate a new agreement on such matters - and there is a belief current in the Pentagon that any new undertaking will be very similar to the Patent Interchange Agreement, but no new arrangement has as yet been executed.
3. In the absence of a specific understanding, it is the view of the Army JAG and the Legal Division of the Signal Corps that the conventional license obtained by the Government from its own employees as well as from contractors, which license permits manufacture and use for governmental purposes, justifies the conveyance of technical information as well as equipments involving inventions covered by United States patents or patent applications. The view of the groups mentioned is, in other words, that governmental use is virtually synonymous with governmental advantage.
4. As far as is known in the Office of the JAG, notwithstanding large and varied shipments of equipment to foreign countries during and following World War II, no cases have arisen in the courts which could result in a judicial determination of the indicated interpretation of the expression governmental use.

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