

~~SECRET~~BRUSA COMSEC CONFERENCEProposed Statement re Disclosure of Information
to be presented at opening meeting

Before beginning the real business of the Conference I think it necessary to invite your attention to the fact that there are in existence certain agreements between the United Kingdom of Great Britain and Northern Ireland and the United States, and between the U.K. Chiefs of Staff and the U.S. Chiefs of Staff in regard to (1) security measures for the protection of classified military information disclosed by or exchanged between the two governments, and (2) arrangements for the protection of the rights of inventors of equipments disclosed by or exchanged between the two governments.

I would therefore like to read you two articles from the current agreement regarding mutual defense assistance which entered into force on 27 January 1950:

"Article V

"1. Each contracting Government will take such security measures as may be agreed in each case between the two contracting Governments in order to prevent the disclosure or compromise of any classified military articles, services, or information furnished by the other contracting Government pursuant to this Agreement.

"2. Each contracting Government will take appropriate measures consistent with security to keep the public informed of activities under this Agreement."

"Article VI

"1. The two contracting Governments will negotiate appropriate arrangements between them respecting responsibility for claims for the use or infringement of inventions covered by patents or patent applications, trademarks, or copyrights, or other similar claims arising from the use of devices, processes, or technological information in connection with equipment, materials, or services furnished pursuant to this Agreement, or furnished in the interests of production undertaken by agreement between the two contracting Governments in implementation of the pledges of self-help and mutual aid contained in the North Atlantic Treaty."

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It is assumed that this Conference takes cognizance of the foregoing articles in the U.K.-U.S. agreement and that the representatives of the respective governments will govern themselves accordingly.

In order to be on the safe side, it is to be understood that all information disclosed during the Conference will be regarded as being classified, regardless of whether such classification is in the military sense or in the sense of "Confidential" as used in the processing of patent applications through the Patent Offices of either or both governments.

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11 September 1950

MEMORANDUM FOR MR. FRIEDMAN

THRU: AFSA-03 *JFF*

SUBJECT: Policy for BRUSA COMSEC Conference in Regard to Conditions of Release of Information

REFERENCE: Memorandum for AFSA-12 and AFSA-03 from Mr. Friedman, dtd 7 Sep 1950, subject as above.

1. AFSA-12 concurs in the desirability of having a statement such as that enclosed in the reference for use at the forthcoming BRUSA COMSEC conference. In accordance with the request expressed in paragraph 5b of the reference, the following comments are advanced with regard to the statement:

a. Paragraph 1 (a) to read: ".... without specific approval of the United States government of origin proviso, the United Kingdom, and each of the British Dominions are , and each member of the British Commonwealth of Nations is considered to be a separate nation;"

b. Paragraph 1 (b) to read: ".... protection afforded to it by the United States government of origin;"

c. Paragraph 1 (d) to read: ".... satisfactory agreement between the United States and the recipient government United Kingdom."

d. In the first paragraph the term "government" is used throughout, while in the remainder of the statement the term "party" is employed. In the interest of consistency, one or the other term probably should be employed throughout.

2. In view of the shortness of time, the question of existing patent interchange agreements is being referred to AFSA-03 for comment. AFSA-03 is requested to forward this memorandum along with its comments directly to Mr. Friedman. A copy of AFSA-03's comments would be appreciated by AFSA-12.

*Previously
filed
JFF*

A. C. Peterson

A. C. PETERSON
Colonel, CAC
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"1. It is agreed that the following conditions governing the release of information are known to and accepted by both parties.

(a) That the recipient government will not release the information to a third government without specific approval of the delivering government. For the purposes of this proviso, the United Kingdom, and each of the British Dominions are considered to be separate nations;

(b) That the recipient government will afford to the information substantially the same degree of security protection afforded to it by the delivering government;

(c) That the recipient government will not exploit such information for other than military purposes;

(d) That the rights of the individual or concern which originate in the development, either in patents or in trade secrets, will be respected in accordance with mutually satisfactory agreement between the delivering and the recipient government.

"2. It is further agreed that the recipient government will take all measures practicable with respect to information which may involve inventions to avoid adversely affecting the rights of inventors to obtain patents covering such inventions.

"3. It is further agreed that (a) the conveyance by one government to the other of a process, device or apparatus, or information pertaining thereto, may take the form of a gift, loan, sale, rental, or rendering available, as may be agreed and arranged between the two governments in the specific instance; and (b) the fact that the recipient government may have the right or privilege of using an invention without the payment of compensation therefor shall not of itself relieve the recipient government of any obligation to make compensation with respect thereto, nor shall it be construed as granting any license whatsoever.

"4. It is further agreed that the terms and conditions of all currently effective U.K.-U.S. agreements relating to the interchange of patent information will be followed by both governments."

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