

GOVERNMENT



OF CANADA

PRESS RELEASE

DEPARTMENT OF EXTERNAL AFFAIRS

OTTAWA - CANADA

NO. 59 FOR IMMEDIATE RELEASE

MONDAY SEPTEMBER 24, 1956.

THE DEPARTMENT OF EXTERNAL AFFAIRS ANNOUNCED TODAY THAT THE GOVERNMENTS OF CANADA, THE UNITED KINGDOM AND THE UNITED STATES HAVE ENTERED INTO AN AGREEMENT INTERCHANGING RIGHTS IN INVENTIONS AND DISCOVERIES IN THE ATOMIC ENERGY FIELD ON WHICH PATENTS WERE HELD OR APPLIED FOR BY ONE GOVERNMENT IN ONE OR MORE OF THE OTHER COUNTRIES AS OF NOVEMBER 15, 1955.

THE AGREEMENT WAS SIGNED BY REPRESENTATIVES OF THE THREE GOVERNMENTS IN WASHINGTON THIS MORNING. THE CANADIAN AMBASSADOR TO THE UNITED STATES, MR. ARNOLD D.P. HEENEY, SIGNED ON BEHALF OF CANADA.

THE PURPOSE OF THE TRIPARTITE AGREEMENT IS TO ALLOW INTERNAL USE OF THE INVENTIONS IN EACH COUNTRY BY GOVERNMENT AND INDUSTRY WITHOUT INTERFERENCE OF THE OTHER GOVERNMENTS. THIS IS DONE BY A "CROSS ASSIGNMENT" OF RIGHTS, UNDER WHICH EACH GOVERNMENT ASSIGNS TO THE OTHERS THE RIGHTS, TITLE AND INTERESTS OWNED BY IT IN THE OTHER COUNTRIES. EACH ASSIGNING GOVERNMENT RETAINS A NON-EXCLUSIVE, IRREVOCABLE, PAID-UP LICENCE ON EACH INVENTION FOR ITS OWN PURPOSES AND FOR PURPOSES OF MUTUAL DEFENCE.

THE EXCHANGE GIVES FULL RIGHTS TO EACH GOVERNMENT IN ITS OWN COUNTRY AND PERMITS IT TO GRANT LICENCES TO INDUSTRY IN ACCORDANCE WITH

NATIONAL POLICY. A NON-DISCRIMINATION CLAUSE IN THE AGREEMENT BINDS EACH GOVERNMENT TO GRANT LICENCES TO NATIONALS OF THE OTHER GOVERNMENTS ON THE SAME TERMS ACCORDED ITS OWN NATIONALS.

THE AGREEMENT IS EXPECTED TO BE OF PARTICULAR BENEFIT TO THE GROWING PRIVATE ATOMIC ENERGY INDUSTRIES IN EACH OF THE SIGNATORY COUNTRIES BY ELIMINATING QUESTIONS OF PATENT INFRINGEMENT. FIRMS ENGAGING IN HOME MANUFACTURE WILL NEED LICENCES ONLY FROM THEIR OWN GOVERNMENTS AND, IN VIEW OF THE AGREEMENT'S ANTI-DISCRIMINATION PROVISION, FIRMS OF ONE COUNTRY ENGAGING IN BUSINESS IN ONE OR BOTH OF THE OTHER COUNTRIES CANNOT BE DISCRIMINATED AGAINST BY THE GOVERNMENTS OF THE OTHER COUNTRIES.

ALL INVENTIONS AND DISCOVERIES WHICH ARE THE SUBJECT OF GOVERNMENT-OWNED PATENTS OR PATENT APPLICATIONS AS OF NOVEMBER 15, 1955, ARE AFFECTED. THESE ARE OF TWO CLASSES:

ONE GROUP IS MADE UP OF INVENTIONS KNOWN AS "CPC" (COMBINED POLICY COMMITTEE) INVENTIONS WHICH AROSE OUT OF WARTIME COLLABORATION AMONG THE THREE GOVERNMENTS. IN THESE CASES, THE INVENTORS ASSIGNED THEIR RIGHTS TO THE GOVERNMENTS EMPLOYING THEM, AND THE PATENT RIGHTS OBTAINED OR APPLIED FOR WERE HELD IN TRUST PENDING SETTLEMENT OF THE INTERESTS OF THE THREE GOVERNMENTS.

THE SECOND AFFECTED GROUP ARE INVENTIONS AND DISCOVERIES WHICH, THOUGH WITHIN THE COOPERATIVE ARRANGEMENT, WERE DEVELOPED INDEPENDENTLY AND ARE OWNED BY ONE GOVERNMENT.

THE CUT-OFF DATE OF NOVEMBER 15, 1955, WAS SELECTED AS A MATTER OF CONVENIENCE. THE INTENT OF THE AGREEMENT IS THAT THE INTERCHANGE OF RIGHTS SHALL COVER THE PERIOD DURING WHICH ATOMIC ENERGY OPERATIONS WERE LARGELY A GOVERNMENT MONOPOLY IN EACH OF THE THREE COUNTRIES. THE AGREEMENT DOES NOT COMMIT THE GOVERNMENTS FOR THE FUTURE.

"CPC" INVENTIONS TOTAL ABOUT 50, AND PATENT APPLICATIONS HAVE BEEN FILED ON MANY OF THEM IN ALL THREE COUNTRIES. THE NUMBER OF PATENTS OR PATENT APPLICATIONS RELATING TO WORK CARRIED ON INDEPENDENTLY OF THE WARTIME COOPERATIVE ARRANGEMENT AMOUNTS TO SEVERAL HUNDRED. MOST OF THE APPLICATIONS ARE STILL CLASSIFIED, AND THIS CONSIDERATION HAS LIMITED THE NUMBER OF PATENTS ISSUED SO FAR.