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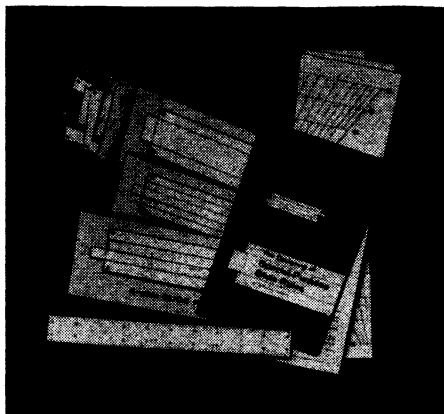
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PATENTS

Patent Revision Proposed

President Johnson last week sent to Congress a bill to revise the patent system so that inventions could be used quicker and patents would be less likely to be challenged after they were issued. The bill generally follows the recommendations of his own Commission on Patent Reform, which reported its findings last December (SN: 12/17/66; p. 512).

A major recommendation of the Commission, however, did not appear in the President's recommendations. This would have established a two-class patent system, by permitting one class of patents to issue on application while others, if the inventor chose, would await the search of all relevant technology all patents now undergo.

The proposal was made by the Commission in part to free examiners from their present burden and in part in light of adoption by some other nations of a deferred patent search. Deferred search, however, is not being universally adopted abroad, and the international meshing of patent systems—a long-term goal—may have to await future developments.

Major feature of the proposed Presidential bill is a provision that the patent should go to the man who files an application first. Under the new system,

this application could be an informal, preliminary description of the invention. Under the present system, patent applications must be formal and complete, and issue is based on evidence of having developed the idea first, a long and costly procedure if two inventors claim to have made the same discovery.

Another provision to speed up the patent procedure—a much-needed improvement, since patents now take three or more years to be granted—calls for the publication of most patent applications between 18 and 24 months after application is made, no matter how long it takes to issue the patent. This means that investors and businessmen will have a quicker jump on new technology and inventors will be able to get financing quicker.

The question of court challenge of patents is treated by a provision in the proposed bill that those who claim a conflict with a patent application could call for review six months before the patent is issued. This means that a patent, once issued, would be far less likely to be challenged in the court. At present, since all patent applications are kept secret until the patent is issued, challenges have to come afterwards, and most challenges have been successful.

PUBLIC POLICY

NSF, Metric Bills Advance

The House Science Committee, acting quickly to provide time this session for action by both houses, has approved bills calling for a reorganization of the National Science Foundation and a study of the effects of conversion to the metric system of measurement.

In a closed session, billed as an "organizational" meeting, the committee reported both bills to the full House. It passed both last session; the metric bill died in the House Rules Committee, the Foundation bill was ignored in the Senate's closing rush.

Senator Lister Hill (D-Ala.), chairman of the subcommittee which would handle the Foundation bill on his side of the Capitol, has indicated he would bring it up if the legislation reached him early in the session, sources at the House committee said.

The reorganization of the National Science Foundation, essentially the same as last session's measure, has lost sections that would have given the NSF

more control of national policy at the expense of other agencies. It would streamline the NSF organization, and tie it more closely to the House committee, as well as increase its stated interests in social sciences and in applied science. The latter provision has been attacked as a rejection of basic research by some scientists (SN: 12/31/66; p. 566).

The metric bill, passed last session by the Senate, may have a better chance this time around because of the absence of the redoubtable conservative Howard W. Smith (D-Va.) from the chairmanship of the Rules Committee. "Judge" Smith was retired by the voters in the Eighth District of Virginia in the Democratic primary.

The bill does not call for a change-over from the inch-pound-quart system to the centimeter, kilogram, and liter, but simply a three-year study to determine what the effects and costs of such a move might be (SN 1/28; p. 87).

