Law Center Report

The Law Center conducts its research activities through the Patent, Trademark and Copyright Research Foundation, the Academy of Applied Science and its Entrepreneurial Workshop and Innovation Clinic programs.

Research guidance and assistance are provided to our researchers by the PTC staff and board members, faculty and outside advisors and counsel from the industrial, university and government sectors. Exchange visits between Law Center personnel and researchers from the Max Planck Institute for Patent, Copyright and Competition Law at Munich and the University of Strasbourg Law School have aided in the further development of our research activities.

Programs currently underway are summarized below:

Presumption of Patent Validity: A study of the weight afforded the expertise of the United States Patent Office by the courts on matters of technical fact-finding.

Obviousness: A Basis for Patent Invalidation: Research into recent decisions invalidating patents on grounds of obviousness over patents not cited by the Patent Office, including evaluation by a group of technical experts of the pertinence of such patents as compared with the patents and prior art specifically cited by the Patent Office.

"Fraud": A Basis for Patent Invalidation: A study of patent invalidation on grounds of "fraud" on the Patent Office or "lack of candor" in not calling an examiner's attention to prior art or usage of which the applicant or his attorney was aware.

Science Indicators: An update of an earlier study sponsored by the National Science Foundation regarding the influence of scientific publications and the publication of earlier patents on breakthrough inventors in eleven technical fields.

Reassessing the Inventor Profile: An analysis of the United States patent system and who is using it. Comparison of the NSF-sponsored study materials concerned with highly successful break-through inventions and the Inventor Profile materials of earlier studies dealing with a general cross-section of inventions.

Writers/Publishers Contract Study: An analysis of standard publisher's contracts in light of the philosophy of the new Copyright Act and current antitrust and public policy trends within other branches of the law.

Performing Artists Contract Study: A study parallel to the Writers/Publishers study examining standard industry contracts in the performing arts in light of the new Copyright Act and current trends in antitrust and public policy in other branches of the law.

Copyright Handbook: Preparation of a Guide to the 1976 Copyright Law (effective January, 1978) with emphasis upon the tax implications of selling Works of Art.

FCC and PUC Problems: A study of legal communications issues arising out of use of innovative equipment by a computer-operated taxi system. (The study is being completed in collaboration with the Center for Entrepreneurial Development at Carnegie-Mellon University.)

Food Preservation through Irradiation Technology: Exploration in association with the United States Army's Natick Laboratories of current legal avenues to achieve commercial viability and social utilization of this government-developed technology.

Government Data and Patent Policy Effects Upon Industrial Development of Government-Owned Technology: A study aimed at determining how best to package policies so as to provide industrial incentive for the commercialization of government-owned inventions. (The researchers are also studying parallel work underway at the Max Planck Institute for Patent, Copyright and Competition Law in Munich.)

Trade Secret Study: A consideration of the Freedom of Information Act ramifications of Food and Drug Administration (FDA) files containing drug industry secrets.

Patent Assistance to University and Similar Research Programs: Advise regarding the filing of patent applications by certain inventors at Carnegie-Mellon University, Dartmouth College, the

University of Massachusetts and the Massachusetts Institute of Technology. This program provides internship opportunities for Law Center students interested in patent law. The students are supervised by faculty and advisory counsel.

Patent Protection for Computer "Software": A survey of the developments of the last decade and an assessment of the impact of legal treatment upon potential incentives for technical innovation.

Comparative Study of Specialized v. General Court Systems: The study examines:

a. Similarities of industrial and intellectual property and competition laws in West Germany, the European Economic Community (EEC) and the United States.

b. Court echelons, procedures, trial evidentiary techniques and roles of counsel, litigants, witnesses and judges in the United States and West Germany.

c. Comparison of training and backgrounds of respective bench and bar practicing in the industrial and intellectual property area.

d. Comparison of court administrative performances.

e. Comparison of statistics upholding and denying patentees petitions; similar statistics regarding other intellectual property owners and unfair competition complainants.

f. Survey of the views of bench, bar and recent litigants regarding the relative merits of the differing systems and the adequacy of service of the law to the dispute resolution needs of the industrial and intellectual property community.

Readers of *IDEA* and other supporters of the PTC who would like to contribute research assistance and advice to any of these programs or to suggest other areas of study, are cordially invited to contact the Director of PTC.

Robert H. Rines
President