

CONSEIL DE L'ATLANTIQUE NORD
NORTH ATLANTIC COUNCIL

EXEMPLAIRE

170

COPY

N°

ORIGINAL: ENGLISH
16th September, 1957

NATO RESTRICTED
DOCUMENT
AC/35-D/195

NATO SECURITY COMMITTEE

SECURITY PROTECTION OF PATENTS

Note by the Chairman

Attached is a paper on the "Screening of Patent Agents and Attorneys" furnished to the Working Group on the Protection of Proprietary Technical Information by the United Kingdom Delegation.

2. This paper is being forwarded in accordance with the previously-noted request(1) by the Chairman of the above mentioned Working Group to all Delegations that such information should be furnished to the Security Committee, which will undertake responsibility for all further action in respect to this subject matter.

(Signed) D.L. STEWART

Palais de Chaillot,
Paris, XVIIe.

(1) AC/35-N/29

NATO RESTRICTED

SCREENING OF PATENT AGENTS AND ATTORNEYS

The practice followed in the United Kingdom for screening Patent Agents, instructed to prosecute secret patent applications on behalf of foreign inventors, involves investigation by competent security staff of the Agents personally and their complete staffs, and of the facilities available for the safe handling and storage of classified documents. Changes in staffs are notified and further checks made when necessary.

Investigations of complete staffs can sometimes be limited with larger firms of Patent Agents where the handling of classified applications can be restricted to strictly limited sections of the staffs.

Permission granted for secret applications to be filed in countries outside the United Kingdom is conditional, inter alia, on the security clearances of the foreign Agents instructed being vouched for by the government authorities of the foreign countries concerned, after mutually satisfactory arrangements have been concluded with the foreign governments.

Transmission of Secret Patent Applications from one country to another

Permission is given to secret patent applicants in the United Kingdom to file corresponding secret patent applications abroad, conditional upon all documents of a classified nature being transmitted to the foreign Patent Office through adequately safe channels.

This usually involves transit of papers from the United Kingdom to the foreign country through British Diplomatic channels, although in some cases British Military channels can be employed. The papers are transmitted from the British Embassy or the British Military destination in the foreign country by safe hand to the foreign Patent Agent authorised, when the appropriate Authority of the foreign government confirms that the Agent has been satisfactorily security cleared.

In the event that the foreign government Authority is not prepared to vouch for the foreign Agent and sufficient time is available, the British Embassy would refer the matter back for a further choice of Agent by the Applicant. If insufficient time is available for such reference, the British Embassy would select a suitably cleared Agent to act for the Applicant, at least until some other Agent satisfactory both to the Applicant and to the foreign government's security services could be authorised.

Classified papers for dispatch to the Applicant in the United Kingdom are delivered by safe hand to the British Embassy which transmits them to England, via British Diplomatic channels, or onward transmission by safe hand to the Applicant.

Transmission of papers involved in the prosecution of applications, which do not include any classified matter, such as published papers cited during examination for novelty, and of papers including classified material only of the lowest category of secrecy, can sometimes be allowed by ordinary mail in either direction.

Documents received in the United Kingdom for secret patent applications are normally transmitted to the United Kingdom through the diplomatic channels of the government of the originating country. On receipt, the foreign Embassy enquires of the appropriate British Government Department whether the Patent Agent authorised has been security cleared. If a satisfactory reply is received, the papers are delivered by safe hand direct to the Agent who is responsible for the safe handling of the documents until lodged with the section of the Patent Office dealing with secret patent applications.

Classified papers received by the Agent from the Patent Office for transmission to the foreign Applicant are delivered by the Agent to the foreign Embassy for transmission by diplomatic channels.

If the selected Agent is not considered satisfactory from a security point of view, the foreign Embassy receiving the papers, if there is time, would ask the Applicant to authorise another Agent, but if there is not time, e.g. where it is desired to establish a claim to priority under the International Convention, the foreign Embassy would be responsible for handing the papers to an Agent known to be security cleared.