

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 15 NUMBER 16

Washington, Wednesday, January 25, 1950

TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10096

PROVIDING FOR A UNIFORM PATENT POLICY FOR THE GOVERNMENT WITH RESPECT TO INVENTIONS MADE BY GOVERNMENT EMPLOYEES AND FOR THE ADMINISTRATION OF SUCH POLICY

WHEREAS inventive advances in scientific and technological fields frequently result from governmental activities carried on by Government employees; and

WHEREAS the Government of the United States is expending large sums of money annually for the conduct of these activities; and

WHEREAS these advances constitute a vast national resource; and

WHEREAS it is fitting and proper that the inventive product of functions of the Government, carried out by Government employees, should be available to the Government; and

WHEREAS the rights of Government employees in their inventions should be recognized in appropriate instances; and

WHEREAS the carrying out of the policy of this order requires appropriate administrative arrangements:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the armed forces of the United States, in the interest of the establishment and operation of a uniform patent policy for the Government with respect to inventions made by Government employees, it is hereby ordered as follows:

1. The following basic policy is established for all Government agencies with respect to inventions hereafter made by any Government employee:

(a) The Government shall obtain the entire right, title and interest in and to all inventions made by any Government employee (1) during working hours, or (2) with a contribution by the Government of facilities, equipment, materials, funds, or information, or of time or services of other Government employees on official duty, or (3) which bear a direct relation to or are made in consequence of the official duties of the inventor.

(b) In any case where the contribution of the Government, as measured by any one or more of the criteria set forth

in paragraph (a) last above, to the invention is insufficient equitably to justify a requirement of assignment to the Government of the entire right, title and interest to such invention, or in any case where the Government has insufficient interest in an invention to obtain entire right, title and interest therein (although the Government could obtain some under paragraph (a), above), the Government agency concerned, subject to the approval of the Chairman of the Government Patents Board (provided for in paragraph 3 of this order and hereinafter referred to as the Chairman), shall leave title to such invention in the employee, subject, however, to the reservation to the Government of a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, such reservation, in the terms thereof, to appear, where practicable, in any patent, domestic or foreign, which may issue on such invention.

(c) In applying the provisions of paragraphs (a) and (b), above, to the facts and circumstances relating to the making of any particular invention, it shall be presumed that an invention made by an employee who is employed or assigned (i) to invent or improve or perfect any art, machine, manufacture, or composition of matter, (ii) to conduct or perform research, development work, or both, (iii) to supervise, direct, coordinate, or review Government financed or conducted research, development work, or both, or (iv) to act in a liaison capacity among governmental or nongovernmental agencies or individuals engaged in such work, or made by an employee included within any other category of employees specified by regulations issued pursuant to section 4 (b) hereof, falls within the provisions of paragraph (a), above, and it shall be presumed that any invention made by any other employee falls within the provisions of paragraph (b), above. Either presumption may be rebutted by the facts or circumstances attendant upon the conditions under which any particular invention is made and, notwithstanding the foregoing, shall not preclude a determination that the invention falls within the provisions of paragraph (d) next below.

(d) In any case wherein the Government neither (1) pursuant to the pro-

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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visions of paragraph (a) above, obtains entire right, title and interest in and to an invention nor (2) pursuant to the provisions of paragraph (b) above, reserves a non-exclusive, irrevocable, royalty-free license in the invention with power to grant licenses for all governmental purposes, the Government shall leave the entire right, title and interest in and to the invention in the Government employee, subject to law.

(e) Actions taken, and rights acquired, under the foregoing provisions of this section, shall be reported to the Chairman in accordance with procedures established by him.

2. Subject to considerations of national security, or public health, safety, or welfare, the following basic policy is established for the collection, and dissemination to the public, of information concerning inventions resulting from Government research and development activities:

(a) When an invention is made under circumstances defined in paragraph 1 (a) of this order giving the United States the right to title thereto, the Government agency concerned shall either prepare and file an application for patent therefor in the United States Patent Office or make a full disclosure of the invention promptly to the Chairman, who may, if he determines the Government interest so requires, cause application for patent to be filed or cause the invention to be fully disclosed by publication thereof: *Provided, however,* That, consistent with present practice of the Department of Agriculture, no application for patent shall, without the approval of the Secretary of Agriculture, be filed in respect of any variety of plant invented by any employee of that Department.

(b) Under arrangements made and policies adopted by the Chairman, all inventions or rights therein, including licenses, owned or controlled by the United States or any Government agency shall be indexed, and copies, summaries, analyses and abstracts thereof shall be maintained and made available to all Government agencies and to public libraries, universities, trade associations, scientists and scientific groups, industrial and commercial organizations, and all other interested groups of persons.

3. (a) A Government Patents Board is established consisting of a Chairman of the Government Patents Board, who shall be appointed by the President, and of one representative from each of the following:

Department of Agriculture
Department of Commerce
Department of the Interior
Department of Justice
Department of State
Department of Defense
Civil Service Commission
Federal Security Agency
National Advisory Committee for Aeronautics

General Services Administration
Each such representative, together with an alternate, shall be designated by the head of the agency concerned.

(b) The Government Patents Board shall advise and confer with the Chairman concerning the operation of those aspects of the Government's patent policy which are affected by the provisions of this order or of Executive Order No. 9865, and suggest modifications or improvements where necessary.

(c) Consonant with law, the agencies referred to in paragraph 3 (a) hereof shall as may be necessary for the purpose of effectuating this order furnish assistance to the Board in accordance with section 214 of the Independent Offices

Appropriation Act, 1946, 59 Stat. 134, 31 U. S. C. 691. The Department of Commerce shall provide necessary office accommodations and facilities for the use of the Board and the Chairman.

(d) The Chairman shall establish such committees and other working groups as may be required to advise or assist him in the performance of any of his functions.

(e) The Chairman of the Government Patents Board and the Chairman of the Interdepartmental Committee on Scientific Research and Development (provided for by Executive Order No. 9912 of December 24, 1947) shall establish and maintain such mutual consultation as will effect the proper coordination of affairs of common concern.

4. With a view to obtaining uniform application of the policies set out in this order and uniform operations thereunder, the Chairman is authorized and directed:

(a) To consult and advise with Government agencies concerning the application and operation of the policies outlined herein;

(b) After consultation with the Government Patents Board, to formulate and submit to the President for approval such proposed rules and regulations as may be necessary or desirable to implement and effectuate the aforesaid policies, together with the recommendations of the Government Patents Board thereon;

(c) To submit annually a report to the President concerning the operation of such policies, and from time to time such recommendations for modification thereof as may be deemed desirable;

(d) To determine with finality any controversies or disputes between any Government agency and its employees, to the extent submitted by any party to the dispute, concerning the ownership of inventions made by such employees or rights therein; and

(e) To perform such other or further functions or duties as may from time to time be prescribed by the President or by statute.

5. The functions and duties of the Secretary of Commerce and the Depart-

ment of Commerce under the provisions of Executive Order No. 9865 of June 14, 1947 are hereby transferred to the Chairman and the whole or any part of such functions and duties may be delegated by him to any Government agency or officer: *Provided,* That said Executive Order No. 9865 shall not be deemed to be amended or affected by any provision of this Executive order other than this paragraph 5.

6. Each Government agency shall take all steps appropriate to effectuate this order, including the promulgation of necessary regulations which shall not be inconsistent with this order or with regulations issued pursuant to paragraph 4 (b) hereof.

7. As used in this Executive order, the next stated terms, in singular and plural, are defined as follows for the purposes hereof:

(a) "Government agency" includes any executive department and any independent commission, board, office, agency, authority, or other establishment of the Executive Branch of the Government of the United States (including any such independent regulatory commission or board, any such wholly-owned corporation, and the Smithsonian Institution), but excludes the Atomic Energy Commission.

(b) "Government employee" includes any officer or employee, civilian or military, of any Government agency, except such part-time consultants or employees as may be excluded by regulations promulgated pursuant to paragraph 4 (b) hereof.

(c) "Invention" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 23, 1950.

[F. R. Doc. 50-722; Filed, Jan. 23, 1950;
1:16 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 610—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

The U. S. Department of Agriculture will support the general levels of prices to producers for manufacturing milk and butterfat, from January 1, 1950, through March 31, 1951, at a national average

of approximately \$3.07 per hundred-weight for manufacturing milk of 3.95 percent butterfat (yearly average test) and approximately 60 cents per pound of butterfat. The program will support the price of all milk. As a means of carrying out this program, Commodity Credit Corporation (hereinafter called CCC) will purchase manufactured dairy products as provided herein.

§ 610.125 *Price support program for milk and butterfat.* (a) CCC will purchase, during the period January 1, 1950, through March 31, 1951, butter, nonfat dry milk solids, Cheddar cheese, and evaporated milk, f. o. b. offered delivery points at any location in the continental United States, at the following prices:

Commodity	Description	Unit	Price (dollars)
Butter.....	U. S. Grade A or higher.....	Pound.....	\$0.60
Do.....	U. S. Grade B.....	do.....	.58
Nonfat dry milk solids.....	Spray process, U. S. Extra Grade.....	do.....	.125
Do.....	Roller process, U. S. Extra Grade.....	do.....	.105
Cheddar cheese.....	U. S. Grade A or higher, Standard moisture basis.....	do.....	.31
Evaporated milk.....	U. S. D. A. Specifications.....	Case.....	3.95

(b) The butter shall be salted creamery butter of U. S. Grade B or higher, solid-packed in commercial containers. The nonfat dry milk solids shall be U. S. Extra Grade, packed in export containers. The Cheddar cheese shall be U. S. Grade A or higher, packed in commercial domestic containers. The evaporated milk shall meet U. S. Department of Agriculture specifications, and shall be packed in commercial domestic cases.

(c) The products purchased shall be produced and located in the continental United States. Purchases will be made in units of not less than tariff minimum carlots for the area where the product is located. Grades and weights shall be evidenced by inspection certificates issued by the U. S. Department of Agriculture.

(d) Purchases will be made by CCC subject to the terms and conditions of purchase announcements issued by the Dairy Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, 1072, sec. 1, Pub. Law 897, 80th Cong., 15 U. S. C. Sup., 714b, 714c)

Issued this 20th day of January 1950.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-698; Filed, Jan. 24, 1950;
8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 68]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.329 Grapefruit Regulation 68—

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955; 14 F. R. 6803), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act

of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 25, 1950. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1949, and will so continue until January 25, 1950; the recommendation and supporting information for continued regulation subsequent to January 24, 1950, was promptly submitted to the Department after an open meeting of the Administrative Committee on January 18; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Grapefruit Regulation 67 (7 CFR 955.328; 14 F. R. 7876) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., P. s. t., January 25, 1950, and ending at 12:01 a. m., P. s. t., February 19, 1950, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial

County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass which grade lower than U. S. No. 2 grade; *Provided*, That the tolerance for grade defects permitted for such U. S. No. 2 grade shall not include serious damage due to dryness or mushy condition; however, with respect to each lot of such grapefruit 10 percent, by count, of the grapefruit in such lot may fall to meet the requirements, of such U. S. No. 2 grade, relating to freedom from serious damage caused by dryness or mushy condition; *Provided further*, That included in such 10 percent there may be not more than 5 percent, by count, of the grapefruit in such lot which show dryness or mushy condition to the extent that more than 40 percent of the pulp is affected; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States or Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3\frac{1}{16}$ inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241; 14 F. R. 7369; *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{1}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{1}{16}$ inches in diameter and smaller.

(3) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.241; 14 F. R. 7369.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 23d day of January 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing
Administration.

[F. R. Doc. 50-729; Filed, Jan. 24, 1950;
8:59 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5638]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AUTONATOR LABORATORIES CO. AND HARRY ABELSON

Subpart—Advertising falsely or misleadingly: § 3.15 Business status, advan-