THE PTC RESEARCH FOUNDATION — PAST, PRESENT AND FUTURE

PAST (at George Washington University)

Many current intellectual property practitioners, academicians, industrialists and government officials may have forgotten the genesis of the Patent, Trademark and Copyright (PTC) Research Foundation and its intended service to the United States and the world.

Briefly, the PTC was the brainchild of the patent bar itself, created as a Trust at George Washington University in 1954 in furtherance of a February 15, 1949 resolution and later referendum vote of the American Patent Law Association and the Section on Patent Trademark and Copyright Law of the American Bar Association, and approved by the House of Delegates of the American Bar Association and endorsed by 15 state and city patent law associations throughout the country.

Its purpose was to serve as America's academically-based, but practically oriented, intellectual property research institute

> "to increase the understanding and knowledge of the people of the United States of America of the nature and value of the incentives granted under the Constitution to authors and inventors to promote the progress of science and the useful arts, including the fields of patents, copyrights and trademarks..."[1]

From the beginning, in order to assure competence and impartiality, the conducting of research activities under academic aegis was considered essential if the public, the Congress, the Courts and the government generally, the bar, academia and industry were to be provided with a trustworthy consultative and authoritative source of advice and information:

> "The University offers an ideal agency for conducting research and education free from self-interest, a guarantee of objectivity, the hallmark of free inquiry vital to the success of such an undertaking."[2]

---

[1] Declaration of Trust as quoted in "The Patent, Trademark and Copyright Foundation", *The Patent, Trademark and Copyright Journal of Research and Education* (now *IDEA, The Journal of Law and Technology*), Vol. 1, 1957, p. 1.

[2] *Ibid.*, p. 2.

It was the intention, however, that in order to make its research efforts "meaningful in terms of the national and international economic and social organisms", the Foundation's activities should be interdisciplinary, should provide a balance between theory and practice, and, more particularly,

> "should avoid the doctrinaire approach of the researcher in an ivory tower. Knowledge is power only when it comes to grips with the realities of the world within which it is used. Hence the Foundation conducts its inquiries by going to the laboratory, to the factory, to the business executive, to agriculture, to labor and to the consumer to bring this knowledge into relation with the aspirations and practical problems faced in all of these interrelated areas of our national life."[3]

In its public information roles, the Foundation was charged with not only the dissemination of published material, but also with furthering "adult education programs of instruction and lectures" and conveying "more systematically and with breadth of coverage, knowledge about the patent system as part of the curricula of elementary and high schools and colleges" from whose "classrooms go forth the citizens who join the ranks of future scientists, engineers, and business executives."

Despite the problems of dissimilar approaches, research techniques, modes of thought and expression, and even in the words of communication and semantics, it was considered important for scholars and practitioners in the diverse fields of economics, finance, government, law, psychology and other social sciences, the physical sciences and engineering, and the business and enterprise communities to participate in the interdisciplinary research approaches to the forging of understanding and the creating of improvement in the intellectual property arena, including its interfaces with fair trade, international technology transfer and joint venturing, among other areas of technical and business interchange.

This was to be accomplished with the help of an advisory council drawn from commerce, education, science, engineering, labor, finance and the professions, with *ex officio* membership for the chairpersons of the House and Senate committees concerned with intellectual property legislation, and the Commissioner of Patents. Points of contact were to be established by eminent business leaders and patent attorneys, in particular, selected to serve as area leaders and national directors.

The research staff was to be led by outstanding academic and practitioner researchers assisted by faculty and student research assistants drawn from the sponsoring and other academic institutions.

And most importantly, this being the creation of the then American Patent Law Association itself, the members were to assume the respon-

---

[3] *Ibid.*, p. 3.

sibility of financial sponsorship of the Foundation by seeing to the annual contribution to its support by their respective companies or organizations (ranging from $100 annual memberships to $10,000 life memberships).

Thus, the Foundation was launched and commenced its task, aided by periodic conferences, with the fruits of its service being reported in the first fifteen volumes of *The Patent, Trademark and Copyright Journal of Research & Education*, later renamed IDEA.

PAST – CONTINUED (Academy of Applied Science and at Franklin Pierce Law Center)

Unfortunately, concurrently with the less than hospitable treatment of the patent system by the Courts and the declining understanding of the importance of intellectual property in American industry and certainly academia (until the exuberance of Europe for a strong European Patent Office and signs of decline at home began to wake us up), the Foundation found that its welcome at George Washington University had worn out, and the University decided to terminate the Trust.

Though visiting many prestigious universities and law schools throughout the land during 1972, the Foundation's Transition Committee, headed by Arthur D. Little Board Chairman Earl P. Stevenson, could not find a receptive new academic home. Frankly, among American industry, it also found wavering interest in patents.

Fortuitously, in Chairman Stevenson's backyard was a growing nonprofit educational institution, the Academy of Applied Science, vitally concerned with the plight of the inventive and entrepreneurial communities under the inhospitable attitude of the Courts to patents, and with the sorry state of science and mathematics education in the United States.

As part of its activities, the Academy, under the leadership of its founder and president, patent attorney and MIT (formerly Harvard) lecturer in patents and innovation, Robert H. Rines, was in the throes of helping with the founding of the Franklin Pierce Law Center as New Hampshire's law school, with a specialty in training lawyers in the area of the interfaces amongst science, technology and the law, and with emphasis upon patent and other intellectual property law. The founding took place under the generous initial formal aegis of Franklin Pierce College and the Deanship of Dr. Rines.

This was one of the Academy's hoped-for solutions to the problem of reinvigorating the patent system and turning around its hostile treatment in the Courts and in areas of the industrial sector, and the damag-

ing economic results stemming therefrom that Rines and his colleagues, as voices in the wilderness, were strongly predicting in the 60's.[4]

On the educational front, below graduate law school, the Academy was administering national programs sponsored by the U.S. Army Research Office, as its contribution to youth science encouragement, through the Junior Science and Humanities Symposia program — urging and rewarding creative research by high school science juniors and seniors, with recognition awarded at university-based symposia throughout the land.

In addition, the Academy was serving with its Minuteman Seminars as a trusted interdisciplinary forum for private and public sector discussion of the problems of the patent system, the innovative community, and the declining scientific and mathematics educational support, and in the researching of ideas for improvement.[5]

These being also important aspects of the purposes of the Foundation, Chairman Stevenson and his Transition Committee explored with Dr. Rines the possibility of the Academy serving as the new home for the Foundation; but with his imminent founding of the Franklin Pierce Law Center under Academy impetus, and the promise of the full benefit of a law school faculty and student body with a particular commitment

---

[4] *Create or Perish, The Case for Invention and Patents*, Robert H. Rines, 1963, with permission of MIT Press; 1964-9, Acropolis Books, pp. 140-146: "What this nation would seem to have acquired is a *sure-fire formula for economic decline.*"

[5] Academy of Applied Science Seminars and Conferences: "Current Tax Proposals — Stimulus or Barrier to Invention — Capital Gains as an Incentive to Innovation", May 7, 1963, Hotel Continental, Cambridge, Ma., ("Angry Inventors", Cal Brumley, *The Wall Street Journal*, May 10, 1963]; "A Neglected National Resource — The Retired Applied Scientist and Engineer", Cambridge, Ma., May 21, 1963; "Invention and Technical Education", Cambridge, Ma., Oct. 16-17,1963, jointly with U.S. Department of Commerce Office of Technical Services and Civilian Industrial Technology Program ["Research Contracts No Cure-All for Areas of Economic Distress", Peter B. Greenough, *The Boston Sunday Globe*, October 20, 1963, and "Economic Development — Industry Needs Help of 'Eggheads' ", *The Boston Globe*, October 21, 1963; "Between College, Industry, U.S. — Cooperation Urged to Boost Creative Thinking in Business", *Boston Herald*, October 17, 1963]; "Consequences of Conversion — Impact on University-Government Research Relationships", University of Oregon, May 7, 1964; "Problems of Conversion to a Less-Armed World; Their Effect on Southern California", University of Southern California, May 11, 1964; "An Expanded Role for the Professional Scientific and Applied Scientific Societies"; Cambridge, Ma., May 18, 1964; "Out of Ivory Tower —Scientists Role Shifting in U.S.", Peter B. Greenough, *The Boston Globe — Financial*, May 19, 1964, p. 21]; "Patents vs. Anti-Trust", May 14-21, 1972, held at Franklin Pierce College, Rindge, N.H. ["Summary of Key Recommendations Arising From Academy Conference", AAS, June 20, 1972 Report].

to intellectual property, the Law Center was deemed a more appropriate home, closer to the tradition of the initial George Washington University parentage.

And so, the PTC found a new home, and the Academy arranged for George Washington University to transfer the mantle of the Trust and the institute assets, programs and the journal IDEA to the Franklin Pierce Law Center.[6]

Conferences (1973 to date)

As the Law Center opened its doors in the fall of 1973, almost its first act was, in consort with the Academy of Applied Science, to continue with the PTC tradition and Trust charter function of holding conferences on significant issues and problems in the intellectual property and related areas. Called together from Europe and America were experts knowledgeable in the formative process of the European Economic Community and the then-developing single European Patent Office concept — an international forum for alerting United States business and legal communities to what might be in store in "Future American Trading in the EEC". The proceedings were reported in the first issue of the journal IDEA, then continued under Law Center sponsorship (IDEA, Vol. 16, Conference Number, 1973-4).

The conference function and tradition has been admirably maintained at the PTC together with the Academy of Applied Science in the intervening years up to the present, and on topics at the leading edge of practice and knowledge, and with interdisciplinary participants and attendees drawn from U.S. and international business, academia, government and the law.

Research Projects and Reports

In addition to the investigatory component of such conferences, research projects were carried out and reported by students and faculty of FPLC, MIT and other institutions, and researchers from the bar generally. Amongst such were:

> Profiling inventors in a cross-section of technologies as to who is now inventing (independents, corporations, government?) and where such is occurring (U.S. or abroad?) [18 IDEA 45, 1976; 19 IDEA 81, 371, 1977];
>
> Providing for the National Academy of Engineering analysis of the kinds of problems for innovation arising from the administration of the patent and regulatory systems [1978];
>
> Studying the effects of the presumption of patent invalidity on litigation of patents throughout the United States since 1952 — providing data that

[6] "The PTC Research Foundation — New Location, New Programs, New IDEAs", Alan A. Smith, IDEA, Vol. 16, Conference Number, 1973-74, pp. 1-20.

played an important part in the establishment of the Court of Appeals for the Federal Circuit [*Law, Science and Technology Monograph Series*, "The Presumption of Validity: A Study of its Effect on Case Law Since 1952," D. Lowin, 1979];

Researching the FDA and related problems of the U.S. Army Natick Laboratories in launching radiation-preserved foods [Entrepreneurial Workshop, N. Metz, 1979];

The studying for the National Science Foundation, of the influence of scientific publications on inventors of breakthrough inventions in several areas of technology [21 IDEA, The Journal of Law and Technology 141, 1980];

Negotiating with the National Science Foundation and the Department of Justice for the program in basic polymer research sponsored at the University of Massachusetts by chemical industry leaders — leading to the establishment of current models for resolving problems in rights, ownership and obviating antitrust implications [1980];

Future American Trading in the EEC, Oct. 31-Nov. 4, 1973, Concord, N.H. (in cooperation with the European Economic Community Commission), [16 IDEA Conference Number 1973-4];

Removal of Existing Barriers to a Modern Copyright Law, March 5-7, 1975, Concord and Manchester, N.H. (in cooperation with the U.S. Copyright Office) [17 IDEA 1-84, 1975];

Policy Alternatives for Rekindling American Free Enterprise Invention and Innovation Particularly to Meet the Current National Emergency in: Job Making; Energy Development; Achieving Positive Technology Transfer Balance; and Reducing Private Sector-Government Hostility, March 30, 31, 1976, Concord, N.H. [18 IDEA 11-41, 1976];

Conference on Computerized Access to Secondary Legal Materials, March, 1976, Sanbornton, N.H. (in cooperation with other law schools and the U.S. Copyright Office), [18 IDEA, The Journal of Law and Technology 67-124, 1976];

Arbitration of Patent and Other Technological Disputes (Alternatives to the Litigation of Technological Subject Matter), November 24-30, 1976, Cambridge, Mass., (in cooperation with MIT and the Department of Justice), [18 IDEA 1-142, 1976];

Overcoming Legal Barriers to the Utilization of Solar Energy, April 14, 1977, Manchester, N.H. [19 IDEA, The Journal of Law and Technology 1-51, 1977];

Second FPLC International Institute on International Trading: European Trading and Technology Transfer, Oct. 6-8, 1977, Concord, N.H. (in cooperation with the European Economic Community and the European Patent Office, The Max Planck Institute for Patent, Copyright and Competition Law at Munich, the University of Strasbourg Law School — CEIPI), [19 IDEA, The Journal of Law and Technology 191-283, 1977];

The Third Annual FPLC Institute on International Trading: The Product Liability Dilemma — Pitfalls and Remedies for Manufacturers and Exporters in the United States and Europe, February 26-29, 1980, Concord, N.H. (in cooperation with the German Marshall Fund and European Economic Com— munity), [Law, Science and Technology Monograph Series of FPLC, "The Product Liability Dilemma", 1980];

"Concepts and Theories in Determining a 'Reasonable and Entire Compensation' Under 28 U.S.C. 1498," H.M. Saragovitz [22 IDEA, The Journal of Law and Technology 217, 1980];

Creative Matching — Bringing Inventions to the Marketplace — Current Problems and Potential Solutions, April 1-3, 1981, Concord, N.H. (in cooperation with the Common Law Institute, U.K., and National Bureau of Standards);

Easing the Launching and Utilization of New Medical Devices, March 4, 1982, Lexington, Mass. (in cooperation with Food and Drug Administration, the Harvard University — MIT Biomedical Engineering Center and the ABA Subcommittee on Technology Assessment, Manufacturers Medical Device Association), [Videotape, March, 1982];

Determining Royalties Common in Patent Licenses for a Broad Product Group, "A Survey of Corporate Licensing," M.D. Rostoker [24 IDEA, The Journal of Law and Technology 59, 1983];

Toward Economic Recovery; Catalysts for Expediting Industrial — University Cooperation in Research and Commercialization, April 5, 1983, Cambridge, Mass. (in cooperation with MIT), [24 IDEA, The Journal of Law and Technology 59, 1983; 25 IDEA, The Journal of Law and Technology 63, 1984];

Legal, Medical and Ethical Problems of the Baby Jane Doe Issue, January 27, 1984, Cambridge, Mass. (in cooperation with Harvard-MIT Biomedical Instrumentation Laboratory, MIT), [Videotape 1984];

Studying of adequacy of patent, copyright and contract law in the protection and utilization of software, and developing new approaches;

"Alternatives to Court Litigation in Intellectual Property Disputes: Binding Arbitration and/or Mediation — Patent and Non-patent Issues" [22 IDEA, The Journal of Law and Technology 271, 1981; see, also 24 IDEA, The Journal of Law and Technology 235, 1984];

Studying the practice in the U.S. Patent and Trademark Office in considering the safety of pharmaceuticals as an issue in determining patentability [Entrepreneurial Workshop; Results reported to PTC members in 1985];

The Software Revolution and the Protection of Intellectual Property, March 7, 1985, held at and jointly with the Center for Entrepreneurial Development, Carnegie Mellon University, Pittsburgh, PA;

Technical Viewpoints of Software Protection, Jan. 8, 1986, Cambridge, Mass. (in cooperation with Harvard-MIT Biomedical Engineering Center, ABA Subcommittee on Technology Assessment) [Videotape 1986];

Technology Transfer — How to Encourage and Expedite It, July 3-6, 1985, London, U.K. (in cooperation with American Bar Association London Showcase Program, R.H. Rines, Chairman) [Condyne Law Tapes — Oceana Publications, 1986];

Software Protection and Liability in the 90's; Shades and Shadows, Jan. 6, 1987, Cambridge, Mass. (in cooperation with MIT, the Office of Technology Assessment and the Register of Copyrights) [28 IDEA, The Journal of Law and Technology 29, 1987];

"Some Areas of Basic Difference Between United States Patent Law and that of the Rest of the World — and Why," October 28, 1985, R.H. Rines, China Council for the Promotion of International Trade (CCPIT), Peoples Republic of China [28 IDEA, The Journal of Law and Technology 5, 1987];

Liability for Imperfect Software (and a New Proposal for the Protection of Software), January 19, 1988, Cambridge, Mass. (in cooperation with MIT Dept. of Civil Engineering and ABA Subcommittee on Technology Assessment, R.H. Rines, Chairman) [29 IDEA, The Journal of Law and Technology 3-34; 113-165, 1988];

"Computer Software: a New Proposal for Intellectual Property Protection" R.H. Rines, et al. [29 IDEA, The Journal of Law and Technology 3, 1988].

Licensing Strategies and Creative Transfers of Software Rights (Including Bankruptcy Considerations), Jan. 17, 1989, Cambridge, Mass. [Videotape, 1989];

Patenting Software, January 16, 1990, Cambridge, Mass. [31 IDEA, The Journal of Law and Technology, 181-221, 1990];

Congress v. The United States Patent and Trademark Office, Jan. 18, 1992, Cambridge, Mass. (in cooperation with the MIT Center for Technology Policy

and Industrial Development, MIT Technology Licensing Office, MIT Entrepreneurs Club, ABA Subcommittee on Technology Assessment) [32 IDEA, The Journal of Law and Technology, 1992, this issue].

Real World Technology Transfer Programs

And the fruition of actual real world stimulation of technology transfer meetings amongst American small and mid-size companies with representatives of developing countries was experimentally carried out abroad by the Academy of Applied Science, in cooperation with the PTC and Law Center. At three Academy-sponsored conferences, hands-on demonstrations by U.S. small and mid-size companies anxious to license technology and seek new markets were carried out in a limited conference setting providing opportunities for private negotiation with individuals and companies in developing countries:

International Technology Transfer Conference and Negotiations (paper conversion field — tapes and labels), July 3-6, 1983, at St. Catherine's College, Oxford University, Oxford, United Kingdom [*Adhesive Age*, Sept. 1983, p. 46-8; H. and R. Curtis, C.M. and R.H. Rines, N. Wood, I.P. O'Mara, F. McIntyre — AAS, FPLC];

Patent, Trade Secret & Technology Transfer Conference (printing and packaging field), November 7-9, 1984, held at Kuala Lumpur, Malaysia [forming Academy chapter, Malaysia New Straits Times, Nov. 6, 1984, "Mind for Technology"; H. and R. Curtis, R. Wilder, R.H. and C.M. Rines, AAS, FPLC]; and

International Technology Interchange (ophthalmic laser and other medical instrumentation), November 21-23, 1986, with Project Orbis and Department of Ophthalmology of the National University Hospital, Singapore — establishing far east ophthalmic training center [Also, Islamia Eye Hospital, Dhaka, Bangladesh Project — S. Burns, MIT and AAS; R.L. and R.H. Rines, AAS, FPLC; Drs. Wadud and Rahman, IEH].

In connection with its research and study activities, furthermore, the Law Center's PTC has maintained its international outlook, interfacing with various foreign academic and related institutions including the Max Planck Institute for Competition Law at Munich, the British Institute of Patentees and Inventors, the Common Law Institute, and CEIPI at the University of Strasbourg in France, including engaging in student, faculty and researcher interchanges, reporting also on projects developed by the Law Center's Entrepreneurial Workshop and the Academy [17 IDEA No. 1, 3, 1975; 18 IDEA No. 1, 1-3, 1976; No. 2, p. 1; No. 3, pp. 7-9; No. 4, pp. 153-6; 19 IDEA, The Journal of Law and Technology, No. 1, 87-88, 1977; No. 4, p. 379; 20 IDEA, The Journal of Law and Technology, No. 1, 119, 1978].

PRESENT

Upon the establishment of the Kenneth J. Germeshausen Center for the Law of Innovation and Entrepreneurship in 1985, its first director

and David Rines Professor of Intellectual Property Law and Industrial Innovation, Homer Blair, established an Advisory Committee on Intellectual Property with members selected from the practicing intellectual property bar and including members who had been serving on the PTC's Advisory Council, to serve as America's Intellectual Property "Think Tank", with biennial Patent Problems Conferences held with the PTC. The First Patent System Major Problems Conference was held on March 31, 1987 [28 IDEA, The Journal of Law and Technology 61-111, 117-171, 1987]; the Second, on March 23, 1989 [30 IDEA, The Journal of Law and Technology 107-231, 1989]; and the Third and most recent on April 27, 1991 [32 IDEA, The Journal of Law and Technology 13-122, 1991].

The stimulation afforded by the work and reports of this "Think Tank" has served well the current deliberations of the AIPLA and the ABA and hopefully the Congress as to improvements in the system.

The PTC, particularly under its broader charter to involve a broader population than legal practitioners, stemming rather from academia, the technological and business communities, and international institutions, as well, will, of course, continue in its tradition of highly *interdisciplinary conferences* and associated research activities. This has been most recently highlighted perhaps by the January 18, 1992 conference at MIT reported in the Chairman's Corner of this issue, and exploring the views of inventors from the northeast (private, corporate and university) as to the present Congressional mandate of USPTO financial support solely from the inventive community, and as to the new proposed "harmonization" bills.

Current Research Projects

The current Advisory Council of the PTC includes

William M. Yates, Acting Council Chairman
Rudolph J. Anderson, Jr.
Norman L. Balmer
Dwight M. Baumann
Robert Bishop
Richard H. Bolt
James A. Buchanan, Jr.
Larry W. Evans
Oliver W. Hayes
Karl F. Jorda
Martin Klein
Marvin H. Kleinberg
John E. Maurer
Alexander J. McKillop
Jeffrey A. Meldman
Robert P. Merges
Pauline Newman
J.D. Nyhart
Carl T. Severini
Nelson H. Shapiro
Jennifer A. Tegfeldt
Lamar Washington
Richard G. Waterman

Included are noted representatives of leading academic faculties from other universities: MIT, Carnegie Mellon, Boston University, and more recently, and in a closely developing relationship, Oxford University.

The present Council, though not strenuously active during the past few years when energies were devoted to building the Germeshausen Center, has now been asked its renewed assistance and particular advice on three pressing recently adopted research projects of the PTC that have been suggested by industry and the bar as currently most relevant:

1. A prompt and thorough study of the experience abroad with so-called "prior user" systems, to be correlated with currently advanced concepts underlying the present "harmonization" deliberations and proposed legislation.

2. A study of the historical use of juries in patent cases in the colonies and individual states and in Great Britain before and at the time of the drafting of the Seventh Amendment to the Constitution, and the development of equity jurisdiction emphasis in the nineteenth and into the twentieth century.

3. A study of the prospects of a revised type of "patent of importation" or "re-validation patent", particularly tailored as a temporary and adjunct Patent of Economic Development and Technology Transfer (PEDATT) for African and other developing countries, as a possible incentive for faster and more productive select industry expansion of benefit to both those with the technology and the transferee.

Research Staff

The present research staffs for the above three projects have been chosen from faculty of the Law Center and the Advisory Council, and perhaps, most significantly, from the Intellectual Property Law Center at St. Peter's College, Oxford University, where a joint program has now been established with the Director of the Law Centre, Law Fellow Peter Hayward, renowned authority and author on early English patent trials and on prior user history.

A joint Oxford-Law Center-PTC first conference, indeed, is under planning for 1993, and faculty and student interchanges supplemental to joint research activities are expected.

A further source of PTC research assistance is now being developed from the cadre of foreign graduate students, government administrators, practitioners and research fellows in residence at the Law Center. This rich source of research assistance has been attracted by an invention of the Law Center which it coined the Masters in Intellectual Property (MIP) program.

The MIP Program as a Private Instrument of National Policy and a PTC Research Resource

Since President Rines' 1985 negotiations in China, the Law Center, under Professors Homer Blair, William Hennessey, Tom Field, PTC Director Robert Shaw, and Dean Robert Viles, commenced development of intellectual property and technology transfer master's degree, diploma and summer programs, initially for administrators and practitioners of China and now other developing and developed foreign countries, and American industrial, academic and law school students, faculty and representatives.

Unlike Japan, Germany and the USSR, our country had not earmarked funds to train people from other countries in our ways for protecting intellectual property or to help them set up patent, copyright, trademark and other systems of legal protection compatible with our own.

As a result, our nation missed an opportunity: the chance to persuade — by demonstration and example instead of rhetoric or threat — key people from other countries that our way of protecting intellectual property is both practicable and preferable.

As part of a philosophy in a shrinking world, FPLC and its PTC have moved into the breach and are making aggressive efforts to: 1) familiarize business people, lawyers and government officials from the U.S. and other countries with how the U.S. system of intellectual property protection works and how it compares with other such systems in the world; 2) apprise individuals from our economic competitors such as the Pacific Rim countries of the importance of adequate protection of intellectual property; and 3) train persons in government and business sectors of developing countries in the principles of technology transfer and about the economic harm which comes from counterfeiting and piracy.

The MIP program began in August 1986 when, following negotiations by President Rines with officials in China, FPLC enrolled five persons from the People's Republic of China (an administrator in the PRC Patent Office, two patent agents from the Chinese Patent Agency in Hong Kong and two employees in the Patent Agency of the China Council for the Promotion of International Trade (CCPIT) in Beijing), as well as one student from each of five other countries: Taiwan (a lawyer in the Economic Affairs Ministry), South Africa (a patent attorney), Korea (a senior supervisor in the Korean Patent Office), the Philippines (a graduate in engineering and business administration) and Singapore (a computer specialist). Since then, commissioners of patents, directors,

heads of technology transfer and joint venturing departments, and copyright and patent office officials from developing countries have participated.

In the years 1987-92 students involved in MIP, Diploma and Summer Institute of Intellectual Property Programs came from Argentina, Belgium, Brazil, Canada, Chile, Columbia, Costa Rica, Croatia, Ecuador, France, Germany, Guatemala, Hong Kong, India, Indonesia, Italy, Jamaica, Japan, Jordan, Korea, Lebanon, Malaysia, Mexico, Mongolia, Netherlands, New Zealand, Pakistan, Paraguay, the PRC, Peru, Philippines, Portugal, Rumania, Saudi Arabia, Singapore, South Africa, Spain, Switzerland, Tanzania, Taiwan, Thailand, United Arab Emirates, Uruguay, Yugoslavia, Zambia, and Zimbabwe.

Under the new stewardship of Professor Karl Jorda and an expanded staff, including Professors Marcus Hurn, Joseph Dickinson and William Murphy, this program is being carried to new heights of success.

The preparation of a research paper is now a part of the requirements for the MIP and joint JD-MIP programs, providing a most-welcomed additional in-house research staff resource for the PTC Research Foundation.

PACT Program

This resource is also being applied to a patenting-licensing-technology transfer program called PACT (initially meaning the Promotion of American and Chinese Technology, but now enlarged to embrace Promotion of Advanced Commerical Technology), administered by the Academy of Applied Science for the mutual benefit of the Law Center and the Academy.

When President Nixon dissolved the private-government National Inventors Council (NIC), the Academy was again instrumental in securing its transfer under Chairman Charles Stark Draper to the Law Center and Academy. PACT became a natural outgrowth of the NIC as part of its activities, particularly as it has come to aid not only Chinese universities and ministries in protecting and licensing or otherwise commercializing upon their inventions and technologies, hopefully with American companies, but also faculty and graduate students of American and United Kingdom universities, as well — and an occasional independent inventor or small company.

The contacts and joint activities developed in PACT are also significantly enriching the mission of the PTC Research Foundation, providing patenting and licensing "laboratory" experience for our students.

Distinguished Lectures

The Law Center, in 1980, established, together with the Academy of Applied Science, the Francis Wright Davis Distinguished Lecture Series on Law and Technology, to present and disseminate the views of leading thinkers involved in the interfaces of these disciplines — again in furtherance of the purposes of the Charter of the PTC Research Foundation.

Mr. Davis was the renowned inventor of power steering, a close personal friend of President Rines, and one of the active members of the Academy's Board of Governors who aided in the founding of the Law Center and became a substantial benefactor of that effort.

The following Distinguished Lectures have been presented and videotaped:

"The Federal Government and Industrial Innovation," Jordan J. Baruch, Assistant Secretary of Commerce for Productivity, Technology and Innovation, Nov. 17, 1979;

"Social and Technical Inventions: Challenges to Legal and Political Institutions," Harvey Brooks, Benjamin Pierce Professor of Technology and Public Policy, Harvard University, November 22, 1980 [22 IDEA, The Journal of Law and Technology 137, 1981];

"Top Management in the Innovation Process," Donald M. Alstadt, Chairman of the Lord Corporation, November 19, 1983;

"Social Technology, The Emergence of a New Discipline," George Bugliarello, President of the Polytechnic Institute of New York, December 8, 1984;

"The Lawyer on the Negotiating Team: Dedication to Win-Win Agreements," Edward E. David, Jr., formerly President of Exxon Research and Engineering Ccmpany, Director of Communications Systems Research at Bell Telephone Laboratories, and Science Advisor to President Nixon, January 11, 1986;

"Science and Law: The Friendly Enemies," Howard T. Markey, Chief Judge U.S. Court of Appeals for the Federal Circuit, March 22, 1989 [30 IDEA, The Journal of Law and Technology 13, 1989].

THE FUTURE

The PTC, with loyal support of the intellectual property departments of largely American corporations and private law firms, and occasional outside grants, has developed steadily, but not yet with the quality, speed, effectiveness and service it can and must achieve.

With the Law Center now nationally recognized as a leading intellectual property training center (*U.S. News & World Report*, March 23, 1992), though this has been known to industry for some time, and the

Germeshausen Center "Think Tank" so ably contributing, it is now the time for the AIPLA, the ABA and the corporate legal and government sectors to help grow *their* PTC Research Foundation into the dream that the patent bar and its corporate sponsorship had in mind in creating the Foundation in the first place, as *America's academically based Intellectual Property Research Center.*

At the new Congress, it is expected that the appropriate Committee Chairmen and the Commissioner of Patents — Assistant Secretary of Commerce will be invited to join as *ex officio* PTC Research Foundation members, as provided for under the Trust; and will increasingly look to us to be of assistance in their study tasks and deliberations.

And we warmly extend to the bar and bench an invitation to help us improve the relevancy and quality of our mission, by volunteering to serve in developing research ideas and projects, in our conferences and programs, on our Council and committees, and in helping develop IDEA, The Journal of Law and Technology, to meet the current needs of the intellectual property community.

We shall soon be writing individually to our members concerning the many opportunities for their participation.

We are not just the Franklin Pierce Law Center, its Germeshausen Center, its PTC, or the Academy of Applied Science.

We are a Trust for the benefit of the People of the United States, and we are the creation of the AIPLA (formerly APLA) and ABA. We cannot fulfill our total mission, however, until the bar and its corporate associations truly come aboard with at least the kind of funding for assisting in the support of research fellows and our other activities, as originally contemplated.

But we need more than money.

We need the "ideas" and participation from those who appreciate the significance of intellectual property to the prompt re-invigorating of our economy, of our creative and risk-taking spirit, of a supportive educational infrastructure, and of our fair share of the world's markets.

Our journal name — IDEA — is an appropriate banner.

Come and help make this intellectual property research resource truly *yours* and that of the *nation.*

Let us hear from you!

THE PTC BOARD OF TRUSTEES
Robert H. Rines, Chairman

THE PTC DIRECTOR
Robert Shaw