

RG 131 Box 334

Alien Property Division

DECLASSIFIED	
Authority	NUM 968103
By	AVT NARA Date 7/8/99

23

OR IMMEDIATE RELEASE  
Thursday, December 18, 1947

*See Record*

DEPARTMENT OF JUSTICE  
(New Policy on Patents Owned by Seized Corporations)

Attorney General Tom C. Clark announced today the Office of Alien Property, Department of Justice, will make available to American industry generally a large number of patents now held by corporations in which the government has seized a controlling stock interest under the Trading with the Enemy Act. Mr. Clark estimated that the program will affect over 6,000 patents owned by 25 corporations.

Included in this policy will be valuable patents in the dyestuffs, photographic, chemical, pharmaceutical, mechanical and textile fields.

The Attorney General stated that he regarded the adoption of this policy as an important step in promoting competition in the fields affected. He pointed out that the patents were essentially German in origin, acquired by companies when they were under German control, and that the decision to make the patents available to anyone who wanted them would reduce the possibility of a resumption of cartel agreements between the companies involved and German companies in the same field. Mr. Clark added that the government has encouraged the use by any interested persons of the technical information which had been obtained from the Germans. Thus the patents in this country which were German owned at the outbreak of the war have been seized under the Trading with the Enemy Act and licenses under those patents have been offered to interested persons. Similarly, scientific and technical information collected in Germany has been made available to the public as military security permitted.

(OVER)

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David L. Bazelon, Director of the Office of Alien Property, explained that the policy would be carried out by offering licenses at reasonable terms to persons applying. Ordinarily, he said, the licenses would be granted by the company concerned, but if the company should refuse to grant a license an application could be made to the Office of Alien Property.

Mr. Bazelon said that he believed that such a program would generally be in the best business interest of the companies concerned, and he pointed out that some of those companies, as well as many other important enterprises, have already registered their patents with the Patent Office as being available for licensing to any applicant on reasonable terms.

Mr. Bazelon emphasized that in administering the policy the Office of Alien Property would be alert to protect the rights of non-enemy stockholders in the companies, and to see to it that it would genuinely increase the opportunities for competition in the fields and would not operate merely to strengthen the position of companies which were already entrenched. In particular, he said, a license would not be granted if in the opinion of the Attorney General the grant of a license would be prejudicial to the maintenance of competition in the field.

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Allen Property Division

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Authority **NNJ 968103**  
By **AJC** NARA Date **7/8/99**

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*Mungler is  
assuming  
12/31/41*

*Patent  
Correspondence*

December 3, 1941.

Mr. J.W. Pehle,  
Assistant to the Secretary  
of the Treasury,  
Treasury Department,  
Washington, D.C.

Subject: Executive Order No. 8389, As amended

Dear Mr. Pehle:

As explained to Mr. Donald Kehl of your Department on December 2, 1941, this company has been applying for licenses from the Treasury Department, under Executive Order No. 8389, as amended, to send to unblocked as well as blocked countries any papers relating to the filing of patents in cases where there has been any possibility that a blocked national might have any interest whatsoever in the patent resulting from such application.

This procedure has involved a great deal of work on our part and doubtless has had the same effect upon the Government departments granting the licenses. We have therefore reviewed Executive Order No. 8389, as amended, and the regulations and general licenses applying thereto and have come to the following tentative conclusions with respect to which we would appreciate receiving the approval or disapproval of the Treasury Department.

Is our assumption correct that, when a national of the United States files or has another file for it in its own name in a foreign country (blocked or unblocked) an application for patent, and when a blocked national, pursuant to an agreement between said blocked national and said United States national entered into prior to September, 1939, will possess under the patent resulting from such application a license of one type or another, no license from the Treasury Department is necessary when the United States national sends abroad the papers dealing with the application for such patent. In such instance it is, of course, to be understood that said blocked national will not possess title to the resulting patent, nor any right to impair such title, or to transfer such title to another. We understand, of course, that a license from the Patent Office is necessary under Public No. 239.

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*Patent  
 Correspondence*

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We further understand that no license from the Treasury Department is necessary in order for such United States national to make remittances to patent offices of countries foreign to the United States (whether blocked or unblocked) in connection with the filing and maintenance of patents subject to the foregoing conditions. We understand that it is necessary to render reports of such payments to the Treasury Department when such payments have been made with respect to blocked countries only.

With respect to blocked countries only, we further understand that it is necessary for such United States national to obtain licenses from the Treasury Department in order to make payments to any counsel or patent agents in order to pay their charges for the filing and maintenance of such patents.

We appreciate, of course, that in instances where a United States national sends abroad papers dealing with an application for patent, under circumstances where a blocked national will acquire title to the patent issuing from such application even though the right of such blocked national to acquire such title was obtained by such blocked national under an agreement entered into prior to September, 1939, it will be necessary in such instances to procure a license from the Treasury Department before such papers may be sent outside the United States.

We would appreciate the advice of the Treasury Department in connection with the foregoing.

Yours very truly,

*H. S. Brown*

General Patent Attorney.

cc Mr. Donald Kehl ✓  
 Mr. Chester Davis

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P  
Y

LANGNER, PARRY, CARD &amp; LANGNER

120 East 41st Street

New York City

April 27, 1942

*Mr. Kelly*  
*I don't think we will approve such applications, at least we haven't yet come to that conclusion.*  
*JCA*

Mr. Joe Murphy  
 Foreign Funds Control  
 1610 Park Road, N. W.  
 Washington, D. C.

Dear Mr. Murphy:

Re: Trade-Marks in Enemy Territories.

I had a note that I was to write to you regarding the question of renewing trade-marks in enemy and enemy-occupied territories. It is my personal opinion that trade-mark property is somewhat different from patent property. Patent property is a wasting asset, and each year the patent is of less value. Interim rights in respect of a patent may or may not do permanent harm to the American owners of a foreign patent, and remedial legislation at the end of the war can do something to alleviate this harm. It is, however, a very different matter if interim rights are permitted to exist under a trade-mark or trade name. If these interim rights continue after the war is over, it means that two companies, one in Germany and one in the United States, will both be using the name or trade-mark of the American concern, and lasting damage could result. For this reason I think the Treasury Department should seriously consider the advisability of permitting existing American-owned trade-marks in enemy and enemy-occupied territories to be renewed during the war period.

One of the difficulties involved with patent applications is the transmission of technical information which might be used for espionage. This, however, is hardly possible in connection with a trade-mark. The documents forwarded abroad for the filing of a trade-mark usually consist of the following:

1. Power of attorney
2. Specimen of the mark, and a list of goods in respect of which it is to be registered.
3. A certified copy of the U. S. trademark registration.

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In connection with the renewal of an existing trade-mark, it is generally necessary only to send a power of attorney. It would be possible to handle such matters through a neutral, located either in Spain, Portugal or Switzerland, and funds could be transmitted in the same manner under license from the Treasury Department.

If there is any further information you may require on this subject, I shall be glad to furnish same, and remain

Sincerely yours,

/s/ Lawrence Langner

Lawrence Langner

TO:

Mr. Larson

Should we consider issuing a Circular calling attention to the fact that application to renew existing trademarks in ending tentatives will be considered? I think many attorneys may think the word not permitted under our present documents.

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Alan Popey Division

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 By: AUT NARA Date: 7/8/99

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Patents  
 Ser R. 11

**PATENTS IN WARTIME**

War or no war, British inventors may still file applications for patents in Germany under the Trading With the Enemy Act of 1939 and still pay the fees required to maintain their rights. Canada and Germany likewise permit patent transactions with the enemy. In all these warring countries the national interest determines whether or not a license to deal with the enemy will be granted, so that patents are by no means inviolate. All the belligerents appropriate what they want in the way of technical ideas. Yet titles to patents are respected, if we may judge by the compulsory payment of royalties to the proper official. Licenses that permitted British dealings with the German Patent Office were also granted during the last war. The right to issue them was revoked early in 1918 and all enemy-owned patents were vested in the Custodian of Enemy Property. That the British will again turn to outright seizure there is little doubt. The British press is beginning to protest against a situation which it considers unmoral.

Theoretically it is possible for a German inventor to apply for a patent here through a neutral agent and for an American inventor to deal with the German Patent Office—but only theoretically. The President's recent order of seizure, which affects an estimated 25,000 patents held by enemies, means that an enemy applicant faces confiscation. An American who wishes to protect himself in Germany must obtain a license. As yet no licenses have been granted, and it is not likely that they will be. If they were Americans they would stand in a better position in Germany than do the British, because of the treaty of 1909, which exempts them from the necessity of working their patents there. That the Germans will respect the treaty so long as it suits their purpose to do so may be inferred from their treatment of British inventors.

That outright seizure of enemy patents is the correct procedure is clear. Licenses to apply for patents in an enemy country imply censorship, and censorship in turn implies that nice distinctions can be drawn between inventions of purely military and purely industrial importance—something impossible in total war. When the Treaty of Versailles was signed a provision was incorporated which provided for the restoration of confiscated patent rights, though with reservations intended to make the Germans pay reparations. It follows that if there is any injustice in seizing patents it can be rectified at the peace table.

RG 131 Box 334 FFC Subject Files  
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3-5-42

No. \_\_\_\_\_

TREASURY DEPARTMENT  
 Washington

FOR IMMEDIATE RELEASE,  
 \_\_\_\_\_, March \_\_\_\_\_, 1942.

The Secretary of the Treasury announced today the adoption of regulations for the licensing to American residents of patents, trademarks, and copyrights controlled by the Axis, Japan, and nationals in other blocked countries. Under the procedure established by the Treasury, any resident of the United States, including both individuals and corporations, may apply to the Secretary of the Treasury for a license to use any patent, trademark, label, print, or copyright in which any blocked national has an interest. If it appears that the manufacture, use, or sale of products covered by any such foreign-owned restrictive interest will assist in the war effort, the Treasury will license the same to American applicants.

This Treasury action should greatly assist the productive effort of American industry. Large numbers of important patents in the chemical, dyestuff, metal manufacturing, synthetic materials, oil production, and other fields are owned by blocked nationals, particularly Germans. Making these patents available to American industry, is an extremely important step by the Treasury.

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DRAFT  
3-5-42

MEMORANDUM TO THE PRESIDENT

Attached are regulations establishing a procedure whereby the Secretary of the Treasury will license to American interests United States patents, trademarks, and copyrights controlled by blocked nationals.

A large number of important patents are owned by blocked nationals, particularly Germans. By the licensing procedure established in the regulations, these patents will be made available to American industry. It is expected that such action will be of great benefit to the war effort.

Kehl:ten 3/6/42

300443

RG 260 Box 24  
OPIGUS (7-14-99)  
(Patents + TM)

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OFFICE  
OF MILITARY GOVERNMENT FOR  
GERMANY (US)

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Military Government Regulations

Title 23

MGR 23-2050  
Excerpt from Change 25

US STATE,  
WAR AND NAVY DEPARTMENTS

Directive on US Objectives  
and Basic Policies in Germany

15 July 1947

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Berlin, Germany APO 742 26 July 1947

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procedure. Persons so detained will be permitted to communicate with their nearest relative or friend unless urgent security considerations require an exception, and you will review their cases periodically to determine whether further detention is warranted. When in your opinion it will be compatible with security considerations, you will eliminate such arrests without prejudice to a revival of the practice in emergencies.

#### 12. Legislation.

You will exercise your power of disapproval over German legislation only when such legislation conflicts with the legislation or other policies of Military Government.

#### 13. Movement of persons.

a. You will implement the decisions taken 23 April 1947 by the Council of Foreign Ministers with regard to United Nations Displaced Persons and population transfers.

b. You will, in cooperation with IRO, facilitate the emigration to other countries of those Displaced Persons unwilling to be repatriated.

c. Pending the movement of Displaced Persons you will retain overall responsibility for their appropriate care, maintenance and protection. You will utilize the IRO to the maximum possible extent in assisting you to discharge this responsibility.

d. The term Displaced Persons as used above refers to Displaced Persons and refugees as defined in the IRO constitution.

e. You will hold the German authorities responsible for the care and disposition of nationals of former enemy countries not otherwise provided for herein and you will continue to facilitate their repatriation.

f. You will require that persons of German extraction who have been transferred to Germany be granted German nationality with full civil and political rights except in cases of recognized disqualifications under German law. You will take such measures as you may deem appropriate to assist the German authorities in effecting a program of resettlement.

g. You will continue to permit the exchange of Germans seeking permanent residence between the U. S. Zone and other zones on a reciprocal basis. You will permit free movement for temporary purposes to the greatest possible extent consistent with security considerations and with inter zonal or quadripartite agreement.

h. You will continue to receive those Germans whose presence abroad is deemed by your government to be contrary to the national interest. You will likewise permit the re-entry of German and former German nationals who desire to return permanently but in view of restricted facilities you will give priority to those who are willing and able to contribute to the peaceful reconstruction of Germany.

(i) You will permit only those Germans to leave Germany who are included in categories approved by Allied agreements or your government's instructions.

#### 14. Prisoners of War.

In carrying out the decision of the Council of Foreign Ministers of 23 April 1947, you will press in the Control Council for the earliest possible return of all German prisoners of war still located in the territories of the Allied Powers and in all other territories.

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#### 15. General economic objectives.

The economic objectives of the U. S. Government in Germany are:

a. To eliminate industry used solely to manufacture and to reduce industry used chiefly to support the production of arms, ammunition and implements of war;

b. To exact from Germany reparation for the losses suffered by United Nations as a consequence of German aggression; and

c. To encourage the German people to rebuild a self-supporting state devoted to peaceful purposes, integrated into the economy of Europe.

Although the economic rehabilitation of Germany, within the framework of these objectives, is the task and responsibility of the German people, you should provide them general policy guidance, assist in the development of a balanced foreign trade and ensure that German efforts are consistent with, and contribute to the fulfillment of your government's objectives.

#### 16. Economic disarmament and reparation.

a. Your government continues to desire the general fulfillment of the principles of the Potsdam Agreement regarding reparation and industrial disarmament.

b. Your government believes that the level of industry eventually agreed upon for Germany as a basis for reparation removals, while eliminating excess industrial capacity which has been used by Germany for the purpose of making war, should not permanently limit Germany's industrial capacity. The German people after the period of reparation removals should not be denied the right, consistent with continued disarmament, to develop their resources for the purpose of achieving higher standards of living.

c. Your government does not agree to reparation from Germany greater than that provided by the Potsdam Agreement. Nor does your government agree to finance the payment of reparation by Germany to other United Nations by increasing its financial outlay in Germany or by postponing the achievement of a self-sustaining German economy. Your government reaffirms the principle that the proceeds of authorized exports shall be used in the first place for the payment of authorized imports.

d. You will attempt to obtain Control Council recognition of the principle of compensation for property taken for reparation or where it has been necessary to destroy property under the agreements for economic disarmament, such compensation to constitute a charge against the German economy as a whole. Except in prohibited industries, you will endeavor to ensure, to the greatest extent practicable, that no plant in which there is foreign ownership or control is removed for reparation as long as German-owned plants are available for that purpose.

e. You will continue to assist in the location of cloaked German-owned assets abroad and where possible you will assist in their liquidation.

#### 17. Restitution.

a. You will proceed, consistent with agreements on restitution reached in the Control Council, to restore such identifiable property other than gold and transport essential to

minimum German economy, to the government of the country from which it was taken: You will not consent to any extensive program for the replacement of looted or displaced property which has been destroyed or cannot be located whenever such replacement can be accomplished only at the expense of reparation, a self-sustaining German economy, or the cultural heritage of the German people.

b. You will turn over monetary gold uncovered in Germany to the Tripartite Gold Commission in Brussels for distribution in accordance with the terms of the Paris Act on Reparation.

c. In accordance with JCS 1570/9, you will make available for the rehabilitation and resettlement of non-repatriable victims of German action valuable personal property looted from Nazi victims which is not restitutable.

d. It is the policy of your government that persons and organizations deprived of their property as a result of National Socialist persecution should either have their property returned or be compensated therefor and that persons who suffered personal damage or injury through National Socialist persecution should receive indemnification in German currency. With respect to heirless and unclaimed property subject to internal restitution you will designate appropriate successor organizations.

#### 18. Economic Unity and Recovery.

a. Your government is desirous of securing agreement in the Control Council to the treatment of Germany as an economic unit, the formulation of common policies in all matters affecting Germany as a whole, and the establishment of central German administrative agencies for the purpose of implementing such common policies in the fields of finance, transport, communications, agriculture, economics (including industry and foreign trade) and such other fields as the Control Council may consider necessary and appropriate.

b. Your government likewise desires to secure the adoption of a production and foreign trade program for Germany as a whole which should be directed toward an increasing standard of living in Germany and the attainment at the earliest practicable date of a self-sustaining German economy. Such a program should give highest priority to increased production of coal, food and export goods; provide for such allocation and distribution of German indigenous output and approved imports throughout Germany as are necessary to carry out the production program and attain the agreed standard of living; ensure full payment for all goods and services exported from Germany (other than reparation or restitution) in approved imports or in foreign exchange which can be utilized for the payment of approved imports, and provide for the pooling of all export proceeds to be made available, first to meet the import needs of Germany as a whole for such time and in such amount as may hereafter be determined, and secondly to compensate the occupying powers for past expenditures pursuant to terms and conditions to be established hereafter, priority in the latter case being given to payment of costs sustained for essential imports in direct proportion to the expenditures made by the occupying powers.

c. In cases where the restoration of normal international commercial relations between Germany and the rest of Europe

would involve an increase of U.S. dollar expenditures for the Government of Germany, or a delay in the attainment of a self-supporting German economy at an appropriate standard of living, funds for German expenditures shall be increased, or the German economy compensated through provision by the U.S. of sufficient relief monies to the country or countries so benefited to enable them to pay Germany. You will consult other European countries and international organizations representing such countries in matters of German production and trade mentioned above, and ensure that emphasis is given, in the selection of items for export, to goods needed by European countries for their economic recovery and rehabilitation in so far as these countries may provide in payment needed imports for Germany, or foreign exchange which can pay for such imports. Proposed transactions of a substantial nature which would lead to a restoration of general European trade or normal international commercial relations or restore normal trade exchanges between Germany and other European countries but which would not conform to the principles stated in this paragraph should be referred to the U.S. Government for decision.

d. You will support the removal of existing trade barriers and will encourage the return of foreign trade to normal trade channels.

#### 19. Finance.

a. Your government views the reorganization of German finances on a sound basis and the attainment of financial stability in Germany as among the main factors essential to German economic recovery along democratic and peaceful lines. To that end, you will endeavor to have the Control Council adopt uniform financial policies in conformity with the principles and the objectives set forth in this directive.

b. Pending agreement in the Control Council, or until receipt of further directive from your government, you will continue to be guided by the following policies in your zone:

(1) You will control, within the scope of your authority, all financial transactions of an international character in order to keep Nazi influence out of the field of finance and prevent outward movements of capital from Germany;

(2) You will exercise general supervision over German public expenditures and measures of taxation in order to insure that they are consistent with the objectives of the Military Government;

(3) You will take such action as may be necessary to prevent the establishment of a centralized German banking system and an undue concentration of financial power, but will encourage the establishment of a central authority for the production, issuance and control of currency and for technical banking supervision. You will also encourage the Germans to re-establish normal banking facilities within the limitation prescribed above and within the present blocking of assets and accounts under Military Government Law No. 52;

(4) You will use the resources of the German economy to the maximum extent possible in order to reduce expenditures from appropriated funds of your government. You are authorized, as provided in the Potsdam Agreement, to use the proceeds of

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By AUC	NARA Date 7/8/99

London Accord Text on German Owned Patents

*Feld  
John*

SUPPLEMENT TO RADIO BULLETIN NO. 224  
DECEMBER 12, 1946.

Bern, December 12, 1946.

TEXT OF ACCORD ON TREATMENT OF GERMAN-OWNED PATENTS

The Department of State recently made available the text of the accord reached at the recent twelve-nation conference at London on the treatment of German-owned patents. The general effect of the accord will be to make available to the nationals of all participating governments full rights to use without the payment of any royalties, all former wholly German-owned patents issued by those governments, subject to the protection of existing rights lawfully acquired by non-Germans. The countries represented at the conference were Australia, Belgium, Canada, Czechoslovakia, Denmark, France, Luxembourg, the Netherlands, Norway, the Union of South Africa, the United Kingdom and the United States of America. The American Delegation was led by Casper W. Ooms, United States Commissioner of Patents.

France, the Netherlands, the United Kingdom and the United States have already signed the accord, which is open to any member of the United Nations and to any neutral government. It will come into force as soon as it has been signed or accepted by three additional governments. The Delegations from Australia, Canada, Czechoslovakia and the Union of South Africa informed the Conference that they will recommend that their governments sign.

The number of patents which will be affected by the accord is known to be well above 100,000. These patents have come into the control of the various Allied governments as a result of war-time sequestration of German-owned property. If these governments had retained control of these patents for the exclusive use of their own nationals, or had granted licenses only to persons who were willing to manufacture within the country which issued the patent, there would have arisen a serious barrier to international trade. Since the accord will make the patents freely available to nationals of all participating governments, it constitutes an important step in the program for the removal of trade barriers. In addition, the accord will assure that the patents can not at some future date be returned to their former German owners.

The accord in effect carries over into the international sphere the domestic policy which the United States Alien Property Custodian has been following for several years with respect to German-owned patents issued by the United States Government

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Government and vested by the Custodian. The benefits which American business as a whole has gained from the Custodian's policy of royalty-free licensing were one of the factors which led the United States Government to urge that the policy be adopted by other governments, on a reciprocal basis, for the common benefit of all.

The text of the accord is as follows:

ACCORD

The Governments on whose behalf the present Accord is signed:

Desiring to make arrangements with regards to former German-owned patents in their possession or control:

Have agreed as follows:

Article 1

Subject to the provisions of the following Articles, each Government, party to this Accord, undertakes that all former wholly German-owned patents, issued by it and in its possession or control under the general law and regulations relating to German-owned property, which have not ceased or been dedicated to the public, shall be dedicated to the public or placed in the public domain or continuously offered for licensing without royalty to the nationals of all Governments, parties to this Accord.

Article 2

In cases where a Government, party to this Accord, makes available by the grant of licenses or otherwise to its own nationals rights under patents in which there was formerly a German interest (other than the patents specified in Article 1), such rights shall be made available to the nationals of all Governments, parties to this Accord, on the same terms as to the nationals of that Government.

Article 3

Subject to the provisions of Article 4, all licenses granted in accordance with Article 1 and, in cases where the Government is not prevented by the terms of the patent, license or other right which it acquires, all licenses granted in accordance with Article 2 shall include the right to practice and exercise the inventions claimed in the patents, and to make, use and sell the products of the inventions regardless of where such products are manufactured;

Article 4

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Article 4

The provisions of Articles 1 and 2 shall be subject to the right of each Government to take appropriate measures to protect and preserve proprietary, license or other rights or interests in such patents which have been before the 1st August, 1946, lawfully granted to or acquired by any non-German. An exclusive license granted before the 1st August, 1946, may be protected by declining to grant any new license during the period of such exclusive license, and a non-exclusive license may be protected by imposing on new licensees the same terms as those imposed on the existing licensee.

Article 5

For the purposes of this Accord, each Government may treat as non-German-owned those patents, or interests in patents, belonging to persons in special classes (such as Germans residing outside Germany, German refugees, etc.) whose property that Government has exempted or may in the future exempt from its general law and regulations relating to German-owned property.

Article 6

In order to carry out the purposes of this Accord and to provide for the interchange of information through a central office, the Government of the French Republic will provide facilities for receiving and disseminating reports from Governments, parties to this Accord, and for notifying these Governments of matters of common interest under this Accord.

Article 7

Each Government, party to this Accord, shall furnish as soon as possible to the central office referred to in Article 6, for transmission to the other Governments, parties to this Accord, a list of all former wholly or partly German-owned patents which are not available to the nationals of these Governments by way of dedication or royalty-free licenses, together with a schedule of the licenses and of non-German interests existing under or in those patents. In addition, the Governments, which can conveniently do so, shall furnish a list of all such patents still in force which are licensable on a royalty-free basis and of all such patents as have ceased or been dedicated to the public.

Article 8

The present Accord shall remain open for signature in London on behalf of any Government represented at the Conference in London until the 31st December, 1946. The Government of the United Kingdom shall notify to all other Governments represented at the Conference the names of the Governments on whose behalf the Accord has been signed.

Article 9

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By <u>AJC</u> NARA Date <u>7/8/99</u>

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Article 9

The Government of any other member of the United Nations, or of any country which remained neutral during the second World War, may become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before the 1st January, 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned patents, or which have accepted this Accord under this Article or all acceptances so notified.

Article 10

Any Government, party to this Accord, may extend the Accord to any of its colonies, overseas territories, or to any territories under its protection or jurisdiction or which it administers under mandate, by a notification addressed to the Government of the United Kingdom.

The Government of the United Kingdom shall inform all other Governments, party to this Accord, of any notification which it receives under this Article.

Article 11

This Accord shall come into force as soon as it has been signed or accepted by the Governments of the French Republic, the United Kingdom, the United States of America and of four other countries.

IN WITNESS WHEREOF the undersigned duly authorised thereto have signed the present Accord.

Done in London this 27th day of July, 1946, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom. The Government of the United Kingdom shall transmit certified copies of this Accord to all Governments represented at the Conference in London on German-owned patents and to all Governments entitled to become a party to this Accord under the provisions of Article 9.

\* \* \*

300450

April 4, 1947  
[T. I. A. S. 1667]

*Agreement between the United States of America and France respecting the restoration of certain industrial property rights affected by World War II. Signed at Washington, April 4, 1947; entered into force November 10, 1947.*

**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND FRANCE CONCERNING THE RESTORATION OF CERTAIN INDUSTRIAL PROPERTY RIGHTS AFFECTED BY WORLD WAR II**

**ACCORD ENTRE LES ETATS-UNIS D'AMERIQUE ET LA FRANCE CONCERNANT LA RESTAURATION DE CERTAINS DROITS DE PROPRIETE INDUSTRIELLE ATTEINTS PAR LA DEUXIEME GUERRE MONDIALE**

The Government of the United States of America and the Government of the French Republic,

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française.

Being desirous of remedying the effects on industrial property rights of their nationals resulting from World War II by concluding an agreement for extending the rights of priority in patent matters and the times for taking action with respect to patents and patent applications, and related matters,

Soucieux de remédier aux atteintes subies par les droits de propriété industrielle de leurs ressortissants, du fait de la deuxième guerre mondiale, ont décidé de réaliser un accord ayant pour objet de prolonger, d'une part, les droits de priorité en matière de brevet, d'autre part, les délais nécessaires pour remplir les formalités concernant les brevets et demandes de brevets; enfin, de régler un certain nombre de questions connexes,

Have agreed as follows:

Ils ont en conséquence convenu ce qui suit:

**ARTICLE I**

**ARTICLE I**

Periods of priority.

The periods of priority provided by Article 4 of the Convention of Union of Paris for the Protection of Industrial Property, last revised at London on June 2, 1934, and by the laws of the respective countries in accordance therewith, for the filing of applications for patents or designs and models, which had not expired on September 8, 1939, and those

Les délais de priorité prévus par l'Article 4 de la Convention d'Union de Paris pour la Protection de la Propriété industrielle, révisée en dernier lieu à Londres le 2 juin 1934, et par les lois qui s'y rapportent dans chacun des deux pays, pour le dépôt des demandes de brevets d'invention, ou de dessins et modèles, non expirés le 8 septembre 1939, ainsi que ceux

53 Stat. 1772.

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which have arisen since that date, qui ont pris naissance depuis cette date, sont prolongés par each of the countries, in favor of the nationals of each des deux pays, en faveur the other country, until August 7, des nationaux de l'autre pays, 1947. jusqu'au 7 août, 1947.

Documents required for support Les documents exigés à l'appui of a claim of priority may be filed d'une revendication de priorité before the expiration of six months pourront être déposés jusqu'à l'ex- from the date of filing of the piration d'un délai de six mois, à application. dater de la demande.

Patents already issued without Les brevets déjà délivrés sans a claim for priority shall benefit revendication du droit de priorité, from the provisions of the first bénéficieront des dispositions du paragraph of this Article on the premier paragraphe du présent condition that the request for Article, à la condition que la priority and the required docu- demande et les documents ne ments be filed by August 7, 1947. soient pas déposés après le 7 août 1947.

## ARTICLE II

Applications for patents or de- Les droits résultant des de- signs and models in one of the mandes de brevets ou de dessins countries by nationals of the other et modèles, formulées par les country, considered as abandoned ressortissants de l'un des deux or forfeited since September 8, pays, dans l'autre pays, et con- 1939, are restored, and the time sidérées comme abandonnées ou for the payment of any fee, or the déchues depuis le 8 septembre 1939, sont restaurés. Les délais taking of any action or the accom- pour le paiement de toute taxe, plishment of any formality pre- l'accomplissement de tout acte scribed by the laws of each coun- et de toute formalité prescrits try with respect to applications for par les lois de chacun des deux patents or designs and models pays, pour les demandes de brevets which had not expired on Septem- d'invention ou de dessins et mo- ber 8, 1939, or which arose after dèles qui n'étaient pas expirés le 8 that date, is extended to August 7, septembre 1939, ou qui ont pris naissance après cette date, sont, 1947, without additional tax. dans ce cas, prolongés jusqu'au 7 août 1947, sans aucune surtaxe.

## ARTICLE III

Patents or designs and models Les brevets d'invention, ou les obtained pursuant to the present dessins et modèles obtenus en Agreement shall not affect the vertu du présent Accord, ne pour- right of third parties, or their ront en aucun cas, affecter le droit agents or successors in business, des tiers ou de leurs ayants-droit who, before August 8, 1946, or be- à continuer leur exploitation si fore the date of the restoration of ceux-ci ont de bonne foi entrepris an application under Article II, l'exploitation d'une invention, des- have in good faith begun the work- sin ou modèle, avant le 8 août ing of an invention, design, or 1946, ou avant la date de restaura-

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## ARTICLE II

Les droits résultant des de- Applications for mandes de brevets ou de dessins patents, etc. et modèles, formulées par les ressortissants de l'un des deux pays, dans l'autre pays, et considérées comme abandonnées ou déchues depuis le 8 septembre 1939, sont restaurés. Les délais pour le paiement de toute taxe, l'accomplissement de tout acte et de toute formalité prescrits par les lois de chacun des deux pays, pour les demandes de brevets d'invention ou de dessins et modèles qui n'étaient pas expirés le 8 septembre 1939, ou qui ont pris naissance après cette date, sont, dans ce cas, prolongés jusqu'au 7 août 1947, sans aucune surtaxe.

## ARTICLE III

Les brevets d'invention, ou les dessins et modèles obtenus en vertu du présent Accord, ne pourront en aucun cas, affecter le droit des tiers ou de leurs ayants-droit à continuer leur exploitation si ceux-ci ont de bonne foi entrepris l'exploitation d'une invention, dessin ou modèle, avant le 8 août 1946, ou avant la date de restaura-

Applications for patents, etc.

Right of third parties.

model, to continue such working, or the right of those bona fide in possession of patents and applications for patents, designs, or models, or their agents or licensees before August 8, 1946, to use the inventions covered by such patents or applications for patents or designs and models.

tion des demandes formulées en application de l'Article II. Ces brevets d'invention, dessins ou modèles, ne pourront d'autre part affecter les droits acquis avant le 8 août 1946, par les détenteurs de bonne foi de brevets d'invention, de demandes de brevets, de dessins et modèles ou par leurs ayants-droit, d'exploiter les inventions protégées par de tels brevets, demandes de brevets ou de dessins et modèles.

ARTICLE IV

Duration of patents.

The duration of patents obtained pursuant to the present Agreement by nationals of each of the two countries shall not exceed twenty years from the day of the first application filed. The dates on which annual taxes are due under the laws of France shall remain unchanged.

Annual taxes.

Nothing in the present Agreement shall be construed to extend the time for filing requests for extensions of the duration of patents authorized by the French law concerning exceptional extension of the duration of patents on account of the war.

ARTICLE IV

La durée de validité des brevets d'invention délivrés en application du présent Accord aux ressortissants de chacun des deux pays ne pourra excéder vingt années, à compter du jour du dépôt de la première demande. Les dates normales d'échéance des annuités prévues par les lois françaises resteront inchangées. Pour l'application des dispositions spéciales autorisées par les lois françaises relatives à la prolongation exceptionnelle de la durée du brevet d'invention, du fait de la guerre, le présent Accord ne pourra être considéré comme prolongeant les délais impartis aux intéressés pour formuler leurs demandes.

ARTICLE V

Nationals of the United States of America may pay up to August 7, 1947:

1. those annual taxes for patents which could have been paid on September 8, 1939, accompanied by any additional delay fee due on that date, and

2. the annual taxes due since September 8, 1939, without any additional delay fees, and in such

ARTICLE V

Les ressortissants des Etats-Unis d'Amérique pourront, jusqu'au 7 août 1947, acquitter:

1o. accompagnées du montant de la taxe supplémentaire de retard due au 8 septembre 1939, les taxes d'annuité des brevets d'invention qui pouvaient encore être valablement acquittées à la date ci-dessus;

2o. sans taxe supplémentaire, les annuités échues depuis le 8 septembre 1939. Dans ces deux

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cases the payments will be considered as having been made in time.

## ARTICLE VI

The period between September 8, 1939 and the date of the coming into force of the present Agreement shall not be taken into account in the term provided for the working of a patent.

## ARTICLE VII

In no case shall the present Agreement invalidate a judicial decision regarding the validity of a patent rendered prior to the date of the coming into force of the present Agreement.

## ARTICLE VIII

Trade-mark registrations in one of the countries, of the nationals of the other country, which have expired since September 8, 1939, may be renewed before June 30, 1948, and such renewals shall have retroactive effect to the date of the expiration of the normal term of the expired registrations.

## ARTICLE IX

The rights granted by the present Agreement to nationals of the United States of America shall also be granted to French nationals residing in the United States of America.

Each Government shall deliver to the other Government a notice that it has accepted the present Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all its obligations under the present Agreement.

cas, les paiements seront considérés comme ayant été effectués en temps voulu.

## ARTICLE VI

La période comprise entre le 8 septembre 1939 et la date de mise en vigueur du présent Accord n'entre pas en ligne de compte dans le délai prévu pour la mise en exploitation d'un brevet.

## ARTICLE VII

En aucun cas le présent Accord ne pourra avoir pour effet d'invalider une décision judiciaire, concernant la validité d'un brevet, intervenue antérieurement à la date de sa mise en application.

## ARTICLE VIII

L'enregistrement des marques de fabrique et de commerce d'un ressortissant de l'un des deux pays, dans l'autre pays, dont la validité serait venue à expiration après le 8 septembre 1939, pourra être renouvelé à condition que ce renouvellement soit effectué avant le 30 juin 1948. Un tel renouvellement aura effet rétroactif à la date d'expiration de la durée normale du précédent enregistrement.

## ARTICLE IX

Les droits concédés par le présent Accord aux ressortissants des Etats-Unis d'Amérique seront également acquis aux ressortissants français résidant aux Etats-Unis d'Amérique.

Chacun des Gouvernements, par une note qu'il adressera à l'autre, lui fera savoir qu'il a accepté le présent Accord conformément à sa législation et qu'il a pris les dispositions nécessaires pour l'exécution de toutes les obligations prévues à cet Accord.

Period not taken into account.

Validity of decisions.

Renewal of trade-mark registrations.

Reciprocal rights.

Notice of acceptance.

Entry into force.

The present Agreement shall come into force on the day the said notices are delivered to each Government to the other. If the said notices are delivered on different days, the Agreement shall come into force on the day of the delivery of the notice later [1] in time.

Cet Accord entrera en vigueur à la date de l'échange des notifications. Si ces notifications sont faites à des dates différentes, l'Accord entrera en vigueur à la date de la dernière.

Authentic languages.

Done in duplicate, at Washington, in the English and French languages, each equally authentic, on April 4, 1947.

Fait en double exemplaire, à Washington, le 4 avril 1947, en anglais et en français, les deux textes faisant également foi.

For the United States of America:  
 Pour les Etats-Unis d'Amérique:  
 DEAN ACHESON

For the French Republic:  
 Pour la République Française:  
 H. BONNET

<sup>1</sup> [By note no. 254 dated July 21, 1947, received in the Department of State July 22, 1947, the French Embassy in Washington notified the Department of State of the approval of this agreement by the French Parliament. By a memorandum dated Nov. 10, 1947, delivered on that date, the Department of State notified the French Embassy in Washington of the acceptance of this agreement by the Government of the United States of America.]

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## ANNEX

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It is understood that the application to nationals of France of the provisions of Sections 1, 3, 4, 10, and 15 of the law of the United States of America approved August 8, 1946, Public Law 690, 79th Congress, relating to patents and designs, shall be considered as complying with the requirements of the present Agreement.

It is further understood that the application to nationals of France of the law of the United States of America approved July 17, 1946, Public Law 517, 79th Congress, relating to extension of time for applying for renewal of trademark registrations, shall be considered as complying with the requirements of Article VIII of the present Agreement.

Il est entendu que l'application aux ressortissants français des dispositions des Sections 1, 3, 4, 10, et 15 de la loi des Etats-Unis d'Amérique, promulguée le 8 août 1946, dite loi publique 690, 79ème Congrès, relative aux brevets d'invention et dessins, correspond aux dispositions du présent Accord.

Il est entendu, d'autre part, que l'application aux ressortissants français de la loi des Etats-Unis d'Amérique, promulguée le 17 juillet 1946, dite loi publique 517, 79ème Congrès, relative à la prolongation des délais pour le renouvellement de l'enregistrement des marques de fabrique et de commerce correspond aux dispositions de l'Article VIII du présent Accord.

60 Stat. 940.  
35 U. S. C. § 101 et  
seq.

60 Stat. 568.  
15 U. S. C. § 92 note

*Ante*, p. 3319.

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**EXECUTIVE ORDER NO. 8389**

[Executive Order No. 8389, dated April 10, 1940, was amended May 10, 1940, June 17, 1940, July 15, 1940, July 25, 1940, October 10, 1940, March 4, 1941, March 13, 1941, March 24, 1941, April 28, 1941, June 14, 1941, July 26, 1941, December 9, 1941, and December 26, 1941. The original text and intermediate amendments to June 14, 1941 are omitted from this publication. Following is the text of Executive Order No. 8389 as amended by Executive Order No. 8785 dated June 14, 1941, and as further amended by Executive Order No. 8832, dated July 26, 1941, Executive Order No. 8963, dated December 9, 1941, and Executive Order No. 8998, dated December 26, 1941. The amendments effected by these Executive Orders are indicated by footnotes.]

**EXECUTIVE ORDER NO. 8785, AS AMENDED\***

**REGULATING TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, PROVIDING FOR THE REPORTING OF ALL FOREIGN-OWNED PROPERTY, AND RELATED MATTERS.**

By virtue of and pursuant to the authority vested in me by Section 5(b) of the Act of October 6, 1917 (40 Stat. 415), as amended, by virtue of all other authority vested in me, and by virtue of the existence of a period of unlimited national emergency, and finding that this Order is in the public interest and is necessary in the interest of national defense and security, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do prescribe the following:

Executive Order No. 8389 of April 10, 1940, as amended, is amended to read as follows:

SECTION 1. All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise, if (i) such transactions are by, or on behalf of, or pursuant to the direction of any foreign country designated in this Order, or any national thereof, or (ii) such transactions involve property in which any foreign country designated in this Order, or any national thereof, has at any time on or since the effective date of this Order had any interest of any nature whatsoever, direct or indirect:

- A. All transfers of credit between any banking institutions within the United States; and all transfers of credit between any bank, institution within the United States and any banking institution outside the United States (including any principal, agent, home office, branch, or correspondent outside the United States, of a banking institution within the United States);
- B. All payments by or to any banking institution within the United States;
- C. All transactions in foreign exchange by any person within the United States;
- D. The export or withdrawal from the United States, or the earmarking of gold or silver coin or bullion or currency by any person within the United States;
- E. All transfers, withdrawals or exportations of, or dealings in, any evidences of indebtedness or evidences of ownership of property by any person within the United States; and
- F. Any transaction for the purpose or which has the effect of evading or avoiding the foregoing prohibitions.

SECTION 2.

A. All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise:

- (1) The acquisition, disposition or transfer of, or other dealing in, or with respect to, any security or evidence thereof on which there is stamped or imprinted, or to which there is affixed or otherwise attached, a tax stamp or other stamp of a foreign country designated in this Order or a notarial or similar seal which by its contents indicates that it was stamped, imprinted, affixed or attached within such foreign country, or where the attendant circumstances disclose or indicate that such stamp or seal may, at any time, have been stamped, imprinted, affixed or attached thereto; and
- (2) The acquisition by, or transfer to, any person within the United States of any interest in any security or evidence thereof if the attendant circumstances disclose or indicate that the security or evidence thereof is not physically situated within the United States.

B. The Secretary of the Treasury may investigate, regulate, or prohibit under such regulations, rulings, or instructions as he may prescribe, by means of licenses or otherwise, the sending, mailing, importing or otherwise bringing, directly or indirectly, into the United States, from any foreign country, of any securities or evidences thereof or the receiving or holding in the United States of any securities or evidences thereof so brought into the United States.

[\* See Press Release No. 1.]

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SECTION 3. The term "foreign country designated in this Order" means a foreign country included in the following schedule, and the term "effective date of this Order" means with respect to any such foreign country, or any national thereof, the date specified in the following schedule:

- (a) April 8, 1940—  
 Norway and  
 Denmark;
- (b) May 10, 1940—  
 The Netherlands,  
 Belgium and  
 Luxembourg;
- (c) June 17, 1940—  
 France (including Monaco);
- (d) July 10, 1940—  
 Latvia,  
 Estonia and  
 Lithuania;
- (e) October 9, 1940—  
 Rumania;
- (f) March 4, 1941—  
 Bulgaria;
- (g) March 13, 1941—  
 Hungary;
- (h) March 24, 1941—  
 Yugoslavia;
- (i) April 28, 1941—  
 Greece;
- (j) June 14, 1941—  
 Albania,  
 Andorra,  
 Austria,  
 Czechoslovakia,  
 Danzig,  
 Finland,  
 Germany,  
 Italy,  
 Liechtenstein,  
 Poland,  
 Portugal,  
 San Marino,  
 Spain,  
 Sweden,  
 Switzerland, and  
 Union of Soviet Socialist Republics;
- <sup>2</sup>(k) June 14, 1941—  
 China, and  
 Japan;
- <sup>3</sup>(l) June 14, 1941—  
 Thailand;
- <sup>4</sup>(m) June 14, 1941—  
 Hong-Kong.

The "effective date of this Order" with respect to any foreign country not designated in this Order shall be deemed to be June 14, 1941.

SECTION 4.

A. The Secretary of the Treasury and/or the Attorney General may require, by means of regulations, rulings, instructions, or otherwise, any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, from time to time and at any time or

[<sup>1</sup> Denmark does not include Iceland. See *General Ruling No. 1*. <sup>2</sup> Subdivision (k) added by Executive Order No. 8832, dated July 26, 1941. See *Press Release No. 7*. <sup>3</sup> Subdivision (l) added by Executive Order No. 8963, dated December 9, 1941.

<sup>4</sup> Subdivision (m) added by Executive Order No. 8998, dated December 26, 1941. See *Press Release No. 23*. See *Public Circular No. 11, relating to the Philippine Islands, and No. 16, relating to British Malaya.*]

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times, complete information relative to, any transaction referred to in section 5(b) of the Act of October 6, 1917 (40 Stat. 415), as amended, or relative to any property in which any foreign country or any national thereof has any interest of any nature whatsoever, direct or indirect, including the production of any books of account, contracts, letters, or other papers, in connection therewith, in the custody or control of such person, either before or after such transaction is completed; and the Secretary of the Treasury and/or the Attorney General may, through any agency, investigate any such transaction or act, or any violation of the provisions of this Order.

B. Every person engaging in any of the transactions referred to in sections 1 and 2 of this Order shall keep a full record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least one year after the date of such transaction.

#### SECTION 5.

A. As used in the first paragraph of section 1 of this Order "transactions [which] involve property in which any foreign country designated in this Order, or any national thereof, has \* \* \* any interest of any nature whatsoever, direct or indirect," shall include, but not by way of limitation (i) any payment or transfer to any such foreign country or national thereof, (ii) any export or withdrawal from the United States to such foreign country, and (iii) any transfer of credit, or payment of an obligation, expressed in terms of the currency of such foreign country.

\*B. The term "United States" means the United States and any place subject to the jurisdiction thereof, and the term "continental United States" means the states of the United States, the District of Columbia, and the Territory of Alaska; provided, however, that for the purposes of this Order the term "United States" shall not be deemed to include any territory included within the term "foreign country" as defined in paragraph D of this section.

C. The term "person" means an individual, partnership, association, corporation, or other organization.

D. The term "foreign country" shall include, but not by way of limitation.

(i) The state and the government thereof on the effective date of this Order as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof,

(ii) Any other government (including any political subdivision, agency, or instrumentality thereof) to the extent and only to the extent that such government exercises or claims to exercise *de jure* or *de facto* sovereignty over the area which on such effective date constituted such foreign country, and

\* (iii) Any territory which on or since the effective date of this Order is controlled or occupied by the military, naval or police forces or other authority of such foreign country,

\* (iv) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing.

\* Hong Kong shall be deemed to be a foreign country within the meaning of this subdivision.

E. The term "national" shall include,

(i) Any person who has been domiciled in, or a subject, citizen or resident of a foreign country at any time on or since the effective date of this Order,

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined.

[\* Paragraph B of section 5 amended by Executive Order No. 8998, dated December 26, 1941. See Press Release No. 23. See also Public Circular No. 11. The term "United States" does not include the Philippine Islands. \* Subdivisions (iii) and (iv) of paragraph D of section 5 substituted in lieu of subdivision (iii), and last sentence of paragraph D added by Executive Order No. 8998, dated December 26, 1941. Former subdivision (iii) became subdivision (iv). See Press Release No. 23.]

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(iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any national of such foreign country, and

(iv) Any other person who there is reasonable cause to believe is a "national" as herein defined.

In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country. In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, debentures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of each of such foreign countries. The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national. Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

F. The term "banking institution" as used in this Order shall include any person engaged primarily or incidentally in the business of banking, of granting or transferring credits, or of purchasing or selling foreign exchange or procuring purchasers and sellers thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of his business, or broker; and, each principal, agent, home office, branch or correspondent of any person so engaged shall be regarded as a separate "banking institution".

G. The term "this Order", as used herein, shall mean Executive Order No. 8389 of April 10, 1940, as amended.

SECTION 6. Executive Order No. 8389 of April 10, 1940, as amended, shall no longer be deemed to be an amendment to or a part of Executive Order No. 6560 of January 15, 1934. Executive Order No. 6560 of January 15, 1934, and the Regulations of November 12, 1934, are hereby modified in so far as they are inconsistent with the provisions of this Order, and except as so modified, continue in full force and effect. Nothing herein shall be deemed to revoke any license, ruling, or instruction now in effect and issued pursuant to Executive Order No. 6560 of January 15, 1934, as amended, or pursuant to this Order; provided, however, that all such licenses, rulings, or instructions shall be subject to the provisions hereof. Any amendment, modification or revocation by or pursuant to the provisions of this Order of any orders, regulations, rulings, instructions or licenses shall not affect any act done, or any suit or proceeding had or commenced in any civil or criminal case prior to such amendment, modification or revocation, and all penalties, forfeitures and liabilities under any such orders, regulations, rulings, instructions or licenses shall continue and may be enforced as if such amendment, modification or revocation had not been made.

SECTION 7. Without limitation as to any other powers or authority of the Secretary of the Treasury or the Attorney General under any other provision of this Order, the Secretary of the Treasury is authorized and empowered to prescribe from time to time regulations, rulings, and instructions to carry out the purposes of this Order and to provide therein or otherwise the conditions under which licenses may be granted by or through such officers or agencies as the Secretary of the Treasury may designate, and the decision of the Secretary with respect to the granting, denial or other disposition of an application or license shall be final.

SECTION 8. Section 5(b) of the Act of October 6, 1917, as amended, provides in part:

"\* \* \* Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both."

SECTION 9. This Order and any regulations, rulings, licenses or instructions issued hereunder may be amended, modified or revoked at any time.

THE WHITE HOUSE,  
June 14, 1941.

FRANKLIN D. ROOSEVELT

The words "to trade," as used herein, shall be deemed to mean—

- (a) Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.
- (b) Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.
- (c) Enter into, carry on, complete, or perform any contract, agreement, or obligation.
- (d) Buy or sell, loan or extend credit, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.
- (e) To have any form of business or commercial communication or intercourse with.

SEC. 3. That it shall be unlawful—

(a) For any person in the United States, except with a license of the President, granted to such person, or to the enemy, or ally of enemy, as provided in this Act, to trade, or attempt to trade, either directly or indirectly, with, to, or from, or for, or on account of, or on behalf of, or for the benefit of, any other person, with knowledge or reasonable cause to believe that such other person is an enemy or ally of enemy, or is conducting or taking part in such trade, directly or indirectly, for, or on account of, or on behalf of, or for the benefit of, an enemy or ally of enemy.

SEC. 3. (c) For any person (other than a person in the service of the United States Government or of the Government of any nation, except that of an enemy or ally of enemy nation, and other than such persons or classes of persons as may be exempted hereunder by the President or by such person as he may direct), to send, or take out of, or bring into, or attempt to send, or take out of, or bring into the United States, any letter or other writing or tangible form of communication, except in the regular course of the mail; and it shall be unlawful for any person to send, take, or transmit, or attempt to send, take, or transmit out of the United States, any letter or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy: *Provided, however,* That any person may send, take, or transmit out of the United States anything herein forbidden if he shall first submit the same to the President, or to such officer as the President may direct, and shall obtain the license or consent of the President, under such rules and regulations, and with such exemptions, as shall be prescribed by the President.

**SECTION 5(b) OF TRADING WITH THE ENEMY ACT**  
(As amended by Title III of First War Powers Act, 1941)

[PUBLIC—NO. 354—77TH CONGRESS]

(b) (1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

- (A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and
- (B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt

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with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision.

Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation.

#### GENERAL LICENSE UNDER SECTION 3 (a) OF THE TRADING WITH THE ENEMY ACT

By virtue of and pursuant to the authority vested in me by Sections 3 and 5 of the Trading with the enemy Act, as amended, and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do prescribe the following:

A general license is hereby granted licensing any transaction or act prohibited by Section 3 (a) of the Trading with the enemy Act, as amended, provided, however, that such transaction or act is authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses or otherwise, pursuant to Executive Order No. 8389, as amended.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE

December 13, 1941

H. MORGENTHAU, JR.

*Secretary of the Treasury*

FRANCIS BIDDLE

*Attorney General of the United States*

[See Press Release A.]

EXECUTIVE ORDER NO. 9095

ESTABLISHING THE OFFICE OF ALIEN PROPERTY CUSTODIAN AND  
DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution, by the Trading with the Enemy Act of October 6, 1917, as amended, by the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

1. There is hereby established in the Office for Emergency Management of the Executive Office of the President the Office of Alien Property Custodian, at the head of which shall be an Alien Property Custodian appointed by the President. The Alien Property Custodian shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, the Alien Property Custodian may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this Order.

2. All power and authority conferred on the President by Sections 3(a) and 5(b) of the Trading with the Enemy Act of October 6, 1917, as amended, and by Sections 301 and 302 of Title III of the First War Powers Act, 1941, approved December 18, 1941, except such powers and authority as were delegated to the Secretary of the Treasury by Executive Orders issued prior to February 12, 1942, and to the Board of Governors of the Federal Reserve System by Executive Order No. 8843 of August 9, 1941 (which powers and authority shall continue to be vested in and exercised by the Secretary of the Treasury and the Board of Governors respectively), are hereby delegated to and vested in the Alien Property Custodian. The memorandum of February 12, 1942, delegating to the Secretary of the Treasury certain powers and authority under said sections, is hereby revoked and canceled. Any and all action heretofore taken by the Board of Governors of the Federal Reserve System after February 11, 1942, in pursuance of Executive Order No. 8843 of August 9, 1941, is hereby confirmed and ratified. In the exercise of the authority herein delegated, the Alien Property Custodian shall be subject to the provisions of Executive Order No. 8839 of July 30, 1941, and shall designate a representative to the Board of Economic Warfare in accordance with section 6 thereof.

3. Any property, or interest therein, of any foreign country or a national thereof shall vest in the Alien Property Custodian whenever the Alien Property Custodian shall so direct; and, in the case of any property, or interest therein, subject to the control of the Secretary of the Treasury, when the Alien Property Custodian shall notify the Secretary of the Treasury in writing that he has so directed, the Secretary of the Treasury shall release all control of any such property, or interest therein, to the Alien Property Custodian.

4. Any outstanding order, proclamation, regulation, ruling, license, or instruction issued pursuant to, or relating to the administration of, any power or authority vested in the Alien Property Custodian by this Order shall remain in effect unless and until amended or revoked by the Alien Property Custodian.

THE WHITE HOUSE,  
March 11, 1942.

FRANKLIN D. ROOSEVELT

[See Press Release B.]

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Washington, D. C.,  
March 11, 1942.

**MEMORANDUM FOR THE SECRETARY OF THE TREASURY:**

There is hereby delegated to the Secretary of the Treasury all power and authority under Sections 3(a) and 5(b) of the Trading with the Enemy Act, as amended, conferred upon me by the President by Executive Order dated March 11, 1942. This delegation is temporary, pending the staffing and organization of the Office of the Alien Property Custodian, and shall continue until revoked in writing in whole or in part at any time by me. This delegation shall not be construed as a limitation upon my authority to exercise such power and authority at any time.

LEO T. CROWLEY  
*Alien Property Custodian*

**REFERENCE--SECTION 3(A) TRADING WITH THE ENEMY ACT;  
GENERAL LICENSE THEREUNDER**

**Press Release A**

December 13, 1941

The President today issued a general license under Section 3(a) of the Trading with the enemy Act permitting any transaction which the Secretary of the Treasury licenses under the freezing control orders.

With the outbreak of the present war, Section 3(a) of the Trading with the enemy Act became effective. This section prohibits any person from trading with enemy unless authorized by the President. As a consequence banking and business institutions throughout the country refused to put through transactions because they might involve German, Italian or Japanese interests.

The Treasury Department already controls transactions involving German, Italian or Japanese interests under the freezing orders. Today's action by the President integrates the licensing procedure under Section 3(a) of the Trading with the enemy Act with that of the Treasury Department under freezing control. The new general license provides that transactions which the Secretary of the Treasury licenses under the freezing control orders may be effected without regard for the provisions of Section 3(a) of the Trading with the enemy Act.

**REFERENCE--EXECUTIVE ORDER NO. 9095; MEMORANDUM FOR THE  
SECRETARY OF THE TREASURY**

**Press Release B**

March 12, 1942.

At a joint press conference held today by Secretary Morgenthau and Mr. Leo T. Crowley, newly-appointed Alien Property Custodian, concerning the President's Executive Order establishing the Office of Alien Property Custodian and defining its functions, it was pointed out that there would be no interruption in the various programs vital to the war effort which are now in the process of execution relating to foreign-owned and foreign-controlled property. It was also pointed out that Secretary Morgenthau and Mr. Crowley had worked in cooperation for the last several months on certain of these programs, and that this spirit of close cooperation would continue.

It was also stated at today's conference that in addition to the freezing control powers which were left in the Treasury Department by the President's Executive Order, other powers and authority which were previously vested in the Secretary of the Treasury would remain with the Secretary of the Treasury pending the staffing and organization of the Office of the Alien Property Custodian. Accordingly, there was released today the text of a memorandum to the Secretary of the Treasury dated March 11, 1942, issued by the Alien Property Custodian. The text of the memorandum is as follows:

[The text of the memorandum appears on this page.]

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Alien Property Division

DECLASSIFIED  
Authority: NND 968103  
By: AUC NARA Date: 7/8/98

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June 11, 1943

MEMORANDUM.

Re: Problems of licensing policy relative to foreign patents in which there is an enemy interest (enemy having connotation expressed in General Ruling No. 11.)

During the last twenty or more years, patent owners of all nationalities have entered into agreements with other parties interested in such patents with respect to rights in the various fields under existing and future patents. Most of these agreements involve patents issued by many foreign countries in all parts of the world. The benefit to the enemy nationals under these agreements and the enforceability of the same in each country, both at the present time and after the war, depend upon the attitude of each individual country. The maintenance of these patents by payment of annual taxes in most countries or of final fees in Canada preserves not only the rights of the company wishing to make the payment, but also all other rights that any other person might have under the patent.

Another factor which must be considered is that in 1939 and 1940 I. G. Farben delivered to Standard Oil, assignments, for recording, of all its patents in which Standard has an interest. This is believed to have been done in order to have these patents in the name of an American company rather than in the name of the German company, they probably do not affect any rights under the patents, since the rights are governed by the prior agreements.

The licensing problems are:

1. Shall we license the recording of such assignments?
2. Shall we license the maintenance of patents, in which there is an enemy interest, by United States residents who have some interest under the patent?

The interest of the applicant extends from a mere non-exclusive license under a patent to the opposite extreme of complete ownership of the patent with non-exclusive licenses granted to enemy nationals.

3. Shall we license the application for new patents which are subject to prior agreements?

The benefit to the enemy under such new applications extends from mere non-exclusive license to use to the opposite extreme of the requirement that the patent be registered in the name of the enemy national with the applicant receiving a non-exclusive license to use.

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Typical Fact Situations Involved:

1. Nominal owner of patent: Standard, after assignment from I. G. has been recorded.

Beneficial owners: Standard has exclusive rights in the Hydrocarbon field. I. G. Farben has exclusive rights in all fields covered by patent outside of Hydrocarbon field. The rights of I. G. in other fields may or may not have been licensed to others.

2. Nominal owner of patent: I. G. Farben

Beneficial owners: Standard or Du Pont has an exclusive license to all use of said patent in a particular field, I. G. has exclusive use outside of non-licensed fields.

3. Nominal owner of patent: Jasco Inc., sometimes based on assignments to Jasco to be recorded.

Beneficial owners: Jasco or I. G., depending upon the effect given the Consent Decree.

By agreement of 1932, Jasco owns sole rights to the world outside of Germany. By modification of 1939, Jasco owns sole rights in United States, British and French Empires. I. G. owns sole rights in all the rest of the world. The Consent Decree declares both contracts unlawful. The rights of I. G. in countries outside of United States, British and French Empires depend on the effect of the Consent Decree in those countries.

4. Nominal owner of patent: International Hydrocarbon Synthesis Corporation, a Dutch corporation. (The ownership of I.H.S. is 50% Ruhrchemie, 25% Dutch Shell and 25% Standard.)

Beneficial owners: I.H.S. and its licensees.

AKU is a similar situation. AKU is a Dutch corporation, believed by us to be approximately 50% German-owned.

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5. Nominal owner of patent: Corporation of occupied countries believed to be nearly 100% owned by citizens of that country.

Beneficial owners: Said corporation and its licensees.

An example of this is Det Norsk, a Norwegian corporation.

6. Nominal owner of patent: German corporation.

Beneficial owners: German corporation and non-exclusive licensees under said patents.

An example of this is Siemens-Halske, a German corporation, under their agreement with Associate Electric Laboratories, Inc. (subsidiary of Ass. T. & T. Co.)

7. Nominal owner of patent: American corporation.

Beneficial owners: American corporation and non-exclusive licensees, some of whom are enemy.

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By <u>AVP</u> NARA Date <u>7/8/99</u>

June 11, 1943

Possible general policy with respect to specific licenses for the application for, assignment of and maintenance of foreign patents in which there is at present, and will be preserved for the future, an enemy interest.

Authorize application for, assignment of and maintenance of such patents in:

(a) Countries at war with the Axis.

Great Britain, Canada, Union of South Africa, British India, Australia, New Zealand and other territories, possessions and mandates of Great Britain, Russia, Brazil, China, Bolivia, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Haiti, Dominican Republic and Iraq.

(b) Countries which have severed diplomatic relations with the Axis.

Uruguay, Paraguay, Chile, Peru, Ecuador, Colombia and Venezuela.

(c) Countries which maintain diplomatic relations with the Axis.

Sweden, Finland, Spain, Portugal, Switzerland, Turkey, Eire and Argentina.

provided, that the person wishing to apply for, assign, or maintain such patent has a real interest in the maintenance of such a patent because of actual use of the patent in one of the following ways:

(a) Manufacture in said country under said patent;

(b) Protection of actual sales in said country by said patent;

(a) and (b) as worded would license application by non-exclusive licensee. This could be restricted to exclusive licensees in a single field, if desirable.

(c) License for consideration to others under said patent for manufacture;

(d) License for consideration to others under said patent for protection of actual sales; or

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- (e) Substantial interest in profits of owner or licensee of patent.

This could be limited by a minimum percentage of interest.

Any possible benefit to enemies during the war, outside of the accumulation of royalties in blocked accounts, would be grounds for denying such a license. Any benefit to enemy nationals because of the preservation of rights for the period after the war would be disregarded.

Any license issued for the application for or the maintenance of a patent standing in the name of a person other than the enemy national, would require that applicant file a complete statement of the enemy interest in the patent in the patent office of the particular country. This would allow full disclosure for vesting purposes. It would not be required in neutral countries.

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