

uncertified copies, and fifty cents additional for each certification.

*Act of Apr. 30, 1928, 45 Stat. 467, amending act of Mar. 3, 1883, 22 Stat. 625 (U. S. C., title 35, sec. 45):*

Patents without fees to Government officers.

The Commissioner of Patents is authorized to grant, subject to existing law, to any officer, enlisted man, or employee of the Government, except officers and employees of the Patent Office, a patent for any invention of the classes mentioned in section 4836 of the Revised Statutes, (U. S. C., title 35, sec. 31), without the payment of any fee when the head of the department or independent bureau certifies such invention is used or liable to be used in the public interest: *Provided*, That the applicant in his application shall state that the invention described therein, if patented, may be manufactured and used by or for the Government for governmental purposes without the payment to him of any royalty thereon, which stipulation shall be included in the patent.

*Appropriation Act of Mar. 6, 1920, 41 Stat. 512 (U. S. C., title 35, sec. 79):*

Deposit of fees, and refunding. Refund of excess.

Hereafter all patent fees shall be paid to the Commissioner of Patents, who shall deposit the same in the Treasury of the United States in such manner as the Secretary of the Treasury shall direct, and said commissioner is authorized to pay back any sum or sums of money paid to him by any person by mistake or in excess of the fee required by law (Supersedes R. S. 4935 and 4936.)

#### MISCELLANEOUS PROVISIONS

*Act of Oct. 6, 1917, 40 Stat. 394 (U. S. C., title 35, sec. 42):*

Patents. Withheld during war if disclosure of invention detrimental, etc. Amended act of July 1, 1940 54 Stat. 710.

Whenever the publication or disclosure of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents, be detrimental to the public safety or defense he may order that the invention be kept secret and withhold the grant of a patent for such period or periods as in his opinion the national interest requires: *Provided*, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner that in violation of said order said invention has been published or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents.

When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Government of the United States for its use, he shall, if and when he ultimately receives a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government: *Provided*, That the Secretary of War or the Secretary of the Navy or the chief officer of any established defense agency of the United States, as the case may be, is authorized to enter into an agreement with the said applicant in full settlement and compromise for the damage accruing to him by reason of the order of secrecy, and for the use of the invention by the Government.

*Proviso.*  
Held to be  
abandoned if  
published, etc.

Compensation.

SEC. 2. This Act shall take effect on approval and, together with the provisions of the Act of August 21, 1941 (Public Law 239, Seventy-seventh Congress, first session, ch. 393), shall remain in force during the time when the United States is at war.

Amended act  
of June 16,  
1942.

*Act of Aug. 21, 1941, 55 Stat. 657:*

SEC. 3. (U. S. C., title 35, sec. 42a.) No person shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, except when authorized in each case by a license obtained from the Commissioner of Patents under such rules and regulations as he shall prescribe.

Filing applica-  
tion in foreign  
country.

SEC. 4. (U. S. C., title 35, sec. 42b.) Notwithstanding the provisions of sections 31 and 32 of this title, any person and the successors, assigns, or legal representatives of any such person shall be debarred from receiving a United States patent for an invention if such person, or such successors, assigns, or legal representatives shall, without procuring the authorization prescribed in section 42a of this title, have made or consented to or assisted another's making application in a foreign country for a patent or for the registration of a utility model, industrial design, or model in respect of such invention where authorization for such application is required by the provisions of section 42a of this title, and any such United States patent actually issued to any such person, successors, assigns, or legal representatives so debarred or becoming debarred shall be invalid.

Persons  
debarred.

Patent  
invalid.

**Penalties.** SEC. 5. (U. S. C., title 35, sec. 42c.) Whoever, during the period or periods of time an invention has been ordered to be kept secret and the grant of a patent thereon withheld pursuant to section 42 of this title, shall, with knowledge of such order and without due authorization, willfully publish or disclose or authorize or cause to be published or disclosed such invention, or any material information with respect thereto, or whoever, in violation of the provisions of section 42a of this title, shall file or cause or authorized to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than two years or both.

**Separability clause.** SEC. 6. (U. S. C., title 35, sec. 42d.) If any provision of sections 42-42f of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of said sections and application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

**Definitions.** SEC. 7. (U. S. C., title 35, sec. 42e.) As used in sections 42-42f of this title—

The term "person" includes any individual, trustee, corporation, partnership, association, firm, or any other combination of individuals.

The term "application" includes applications, and any modifications, amendments, or supplements thereto or continuances thereof.

**Persons exempt.** SEC. 8. (U. S. C., title 35, sec. 42f.) The prohibitions and penalties of sections 42-42f of this title shall not apply to any officer or agent of the United States acting within the scope of his authority.

*Act of July 2, 1940, 54 Stat. 724 (U. S. C., title 19, sec. 1337a):*

**Importation of product of patented process.** The importation hereafter for use, sale, or exchange of a product made, produced, processed, or mined under or by means of a process covered by the claims of any unexpired valid United States letters patent, whether issued heretofore or hereafter, shall have the same status for the purposes of section 337 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1337) as the importation of any product or article covered by the claims of any unexpired valid United States letters patent.