

MVIP — ARGUE: Not there already is Analogous Customary
Intl. law in this area of Scientist Present papers for
everyone's use etc.

< UNESCO (Art I)

— Simple Basic idea that all
knowledg. builds on that
which came before + the idea
that the community (Country or world)
creates the environment. that the
innovator lives in when creating
these ideas + ∴ the community is
entitled to a "share" of his
reward

Look for! LEGAL JRNLS.

- MVIP K3 J82 REFF Jnl. of Intl. Law & Econ.
- — Jnl. of World Trade Law
- KJ5 H2 — Harvard Intl. Law Jnl.
- East African Law Review
- Intl. Rev. Indus. Prop. & Copyr. Law
- KJ5 I39 — Indian Jnl. of Intl. Law
- KJ5 I58 — Intl. + Comparative Law Quarterly
- KJ5 S99 — Syracuse Journal of Intl. + Commerce
- Amer. Jnl. of Comparative Law
- KJ5 D42 — Denver Jnl. of Intl. Law + Pol.
- Stud. Devel. Countries
- Columbia Jnl. of World Bus.
- Lawyer of the Americas
- KJ5 635 — Pa. Jnl. of Intl. + Comp. Law
- Jnl. of Contemp. Assia
- — 43 Fordham Law Rev. 733
- Amer. Econ. Rev.
- Admin. + Soc'y
- ~~KJ5 S78~~ — 11 Stanf. J. Intl. Studies 169
- Pakistan Devel. Rev.

Stanford
Law School

- John Barton

- Victor Li

- John Merryman

The Research Group
Charlottesville, VA.
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Dwayne Dingrich

Okolie	K	Experiments	Wortley
Legal Aspects	99 99	in Public	JX
of Intl. Transfer	0324	Intl. Law	4263
of Technology	43		P6 W6

11
A. Wald
Ind. L.

Transfer + Dvlpmt. of Tchulgy: The
Probs. of Dvlpng Countries in Prospct.

1-14 p. 1 "

... the first steps being taken towards the devising of more effectv. policies + institutns in dvlpng countries for the transfer and dvlpmt. of tchulgy, first at the natl. level and then multilaterl + sectoral linkages. Essentially this work marked the end of a stage, that on transfer of tchulgy, prior to considtn, by UNCTAD II in May 1976 of what may be called the restructuring of the legal environment through decisions on a legally binding code and on the guidelines for major revision of the whole industrial propy. sys. to take full acct. of the needs of dvlp- ing. countries + not just propy.

owners... "The work done so far by UNCTAD in the field of tchulgy has shown clearly that transfer is not enough for dvlpmt. and indeed not even the main issue, which is that of the dvlpmt. of indigenous tchulgy. The second question... is thus strengthening the tchulgd. capa- city of dvlpng. countries."

"The purpose... of tchulgd. dependence... in the wider framework of econ. + social de- pendance... recall the Third World's strategy in relatus. thereto. Finally... the way forward towards greater tchulgd. independnc."

(Contd. over)

11
MVIP

"Thirdly @ regard to technol. knowldg., there is ... both a communicatn. gap - the dvlping countries lack the knowldg. widely availbl. in the dvlpd. - and a suitability gap - the absence of technical knowldg. particularly suitable to poor countries in both gaps. of countries."

p. 12

MVIP

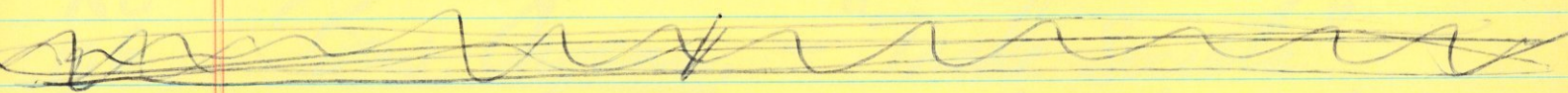
"There are severe limitations, on the amt. of technolgy. which can be transferred in any meaningful sense of the term from the rich countries. And this wld. be so even if patents and trademarks were abolished and the code of conduct were to be put into practice tomorrow. Nevertheless there is much scope for improving the terms of transfer, provided there are effective natl. centres. More important still, the process of copying @ the transfer probl. is one of learning and must lead inevitably to the dvlpmnt. of indigenous technolgy. If natl. centres for the transfer and dvlpmnt. of technolgy are set up and suitably interlinked @in the 3rd world the whole prospect for the dvlpmnt. of technolgy. therein will be ~~so~~ radically changed."

"Not only in technolgy but across the whole board of econ. + social dvlpmnt. technol. assistance will have to come progressively more + more from @in the Third world ..."

A.F. Ewing UNCTAD and the Transfer of Technolgy.
10 Jnl. of World Trade Law 197-214

K
10
09
V. 10
pt. 1

~~MVIP~~ Our Idea Breaks down
The Copyrt. Area known
as "NEIGHBORING Rts."



K
10
09
V.10
pt.1

The Patent System and the Transfer
of Technology to Less Developed
Countries by Sanjaya Lall
10 Jnl. of World Trade Law 1-16

- Very Important :

P.8

1. This article gives basis for belief
that patents in fact are not all
that VIP in this days age. They are Subsidiary.
2. Marketing : ~~Technological Market~~
is the most important element today
vis-a-vis technology.

MVIP P.9

- "...patents emerge very much as a subsidiary
device for supporting strongly oligopolistic
market structures."

Newsweek
10-30-78
P. 50

China Alters Course by Fred Coleman

"Wide-ranging econ. reforms on the Yugoslav model of 'worker self-management' are now being debated in party circles. If implemented they wld. put considerably more power into the hands of local officials and managers."

KB
106
B
V. 12

Bus. Organs. - "Trade Secrets"

§ 1.08 Cases Supporting View that Trade Secrets are not Propy.

P. 1-30-34

"... It is appropriate to signal that there are some cases which decline to attribute propy. character to trade secrets... Masland has been often cited by secondary authorities, and by at least one prominent judge (for the proposition that a trade secret is not propy.)" (See XEROX)

- [look AT Volume again]

MVH

DO Something ON:

① "Intl. Dvlpmt. associatn."

② Intl. BANK for Reconstructn. and Dvlpmt.

~~Patents~~
~~Science Intl. Cooperation~~
 Copyright Intl.
 United Intl. Bureau for
 The Patent

L A County Law Library

LICENSING - GEI (SEE SANTA B. LIBRARY STUFF 151)

- ✓ ~~VK10 V.348 (L.O.S. - Duffer)~~
- ✓ ~~VK89 A12C74 1973 Intl. Assn. for Protec. of Indust. Propy.~~
- ✓ ~~VKE1615 A12 I61~~
- ✓ ~~VKJ731 I6 Intl. Copyr. - needs of develop. countries.~~
- ✓ ~~VKJ683 A12 I5a~~
- ✓ ~~VKJ683 S99 Intl. Develop. Banks~~
- ✓ ~~KB157 A12P88 V.33 Intl. Patent Law + Practice.~~
- ✓ ~~VKJ731 A54 Intl. Patent Law + Develop. Countries (Anderfeld)~~
- ✓ ~~KB157 A12P88 V.32 Intl. Trademark Law + Practice.~~
- ✓ ~~K89 032 Intl. Trademark Protec. (Offner)~~
- ✓ ~~K89 L232 Intl Union Protec. of Indust. Propy. (LADAS)~~
- Reference Room ✓ ~~VK6721 A12 I62 Ref # Fund for Multinatl. Mgmt. Education~~
- ✓ ~~VKJ633 A12J9 Vol.12 No.24 Jnl of World Trade Law P.351 (1978)~~
- ✓ ~~VKJ111 0518 Interamerican Council for Educatn. (Science - Intl. Cooperation)~~
- ✓ ~~KD159 C24 Copyr. Modern Law + Practice.~~
- ✓ ~~K10 V.91 Committee of experts on Neighboring Rts.~~
- ✓ ~~VKJ731 A12C74r Confere. for Revision. of Universal Copyr. Conventn.~~
- ✓ ~~VK89 W87 W.I.P.O. (Model Law for Develop. Countries on Indust. Designs)~~
- ✓ ~~VK89 V35 Bureau for the Protec. of Intellectual Propy. (or Develop. Countries)~~
- ✓ ~~VK89 V35a " " " " " " " " " " " "~~
- ✓ ~~VK89 A12C9 Current trends in the field of intellectual Propy.~~
- ✓ ~~VK89 A12W92 1977 World Symposium (re: Patents + Develop. Countries)~~
- ✓ ~~VK89 W87 1975 Model Law for Develop. Countries (WIPO)~~
- ✓ ~~VK89 W87 1972 Transfer of Technology to Develop. Countries~~
- ✓ ~~KD157 B25 Photocopying practices in the U.K.~~
- ✓ ~~KB157 K56~~
- ✓ ~~VKB1 M583 (68 Mich. L.R. 471) Public Trust doctrine~~
- ✓ ~~VK27 A1J55 V.60 + 5 Public Trusteeship~~

EMINENT DOMAIN → PUBLIC DOMAIN

- ✓ ~~VK3 J82 Ref #~~
- ✓ ~~VKJ5 112 Vol.18 HARVARD~~
- ✓ ~~VKJ5 I39~~
- ✓ ~~VKJ5 I58~~
- ✓ ~~VJ5 S99 (over)~~

~~VKJ651 U56~~
~~VKJ613 I54~~
~~VKJ613 M37~~
 Copyr. + Intellec. Propy.
 TONAL Propy.
 BY JULIUS J. MARKE

- ✓ ✓ KJ5 842 ✓ ~~Roman~~ K 436 C66 1944
- ✓ ~~KJ5 635~~ ✓ ~~Roman~~ K 430 L45
- ✓ ~~KJ5 878~~ ✓ ~~Roman~~ K 467 A97 RBR++
- ✓ ~~KJ5 C25~~ ✓ ~~Roman~~ K 435 C58
- ✓ KJ5 H35 ✓ ~~Roman~~ K 10 V.7
- ✓ ~~KJ5 P53~~ ✓ ~~15 IDEA 274-80~~
- ~~MVP~~ ~~Roman~~ ✓ K 471 P6 P97

KB157 K56 An Intellectual Propy.

Law Primer by Kinton + LAHR
 Macmillan Publishing. N.Y. 1975

USE
MVIP

(See Xerox Copies) plus:

CHAPTER 3: Trade secrets, know-how, and Unsolicited Disclosures

"... If the intellectual property is maintained and preserved in secrecy, the courts will prevent its misappropriation by improper means."

"ORIGINS:

It was the era of ancient Rome when legal systems began to take a view of what might be termed the unfair taking of trade secrets. Although scholars deny that legal proscriptions against unfair competition existed before the Middle Ages, Roman law protected rights in trade secrets covering info. such as dyeing and pottery processes. Where a slave was enticed by his master's competitor to divulge the trade secrets of his master, the master's remedies against his competitor lay in an action for corrupting a slave. By this action, a slave

the person who had induced his slave to disclose the trade secrets. The theory behind the action was that the value of the slave had been lessened.

"English Common Law

Perhaps, the first reported English case about trade secrets was NEWBERRY V. JAMES, decided in 1817." →

"THE UNITED STATES

The first significant trade secret case in the United States was Vickers v. Welch decided ... in 1837."

"NEGOTIATIONS AND UNSOLICITED IDEA DISCLOSURES

Pgs. 173-4

RIGHTS IN IDEAS

"... to quote Mr. Justice Brandeis, the 'general rule of law is, that the noblest of human productions - knowledge, truths ascertained, concepts, and ideas - become after voluntary communication to others, free as the air to common use.'"

~~NAB:~~
~~NIIP~~

[P. 173 + ON re: Transfer of intellectual property = NIIP GET]

P. 192

— "Altho. trade secrets may genly. be consid'd. as propty., they are such in only a limited sense. This limitation was well stated in a N.Y. decision, Eastman Co. v. Reichenbach in 1892 as follows:

"The word 'property,' as applied to trade secrets and inventions, has its limitations; for it is undoubtedly true that when an article manufactured by some process, which is not the subject of a patent, is thrown upon the market, the whole world is at liberty to discover, if it can by any fair means, what that process is, and, when discovery is thus made, to employ it in the manufacture of similar articles. In such a case, the inventor's ~~or~~ or mfg's propy. in his process is gone..."

~~Altho. the concept of propy. in trade secrets is thus limtd. and also perhaps somewhat diluted by the concept of the confidentl. relatinshp. as well, the propy. view has significant implicatns.~~

Trademarks

- Not everything may be ~~trademarked~~ trademarked:
 - l.g. Prohibited marks are govtl. flags or insignia or likenesses of Presidents
- This is prescribed under the LANHAM ACT. — ~~Other Prohibited matter~~
- "other matter that is prohibited from becoming a good mark is that which is "immoral, deceptiv. or scandalous."

P. 923

Copyrights. - a "writing" that reqs. ~~it~~ it be "published" in order to be copyrightd.
"An eminent author on copyrights, says."

Melville Nimmer, has defined publication as occurring "when by consent of the copy-right owner, the orig. or tangible copies of a work are sold, leased, loaned, given away, or otherwise made available to the genl. public, or when an authgr. offer is made to dispose of the work in any such manner even if a sale or other such dispositn. does not in fact occur."

Copyrts. does not always create property. ~~the~~ E.G. If adequate safeguards against copying are not taken then copyrts. maybe diminished.

P. 324

"In this case, a small model of a Picasso sculpture was publicly displayed @out any apparent restrictions on copying or photographing it. When a ^{final} ~~final~~ version of the ~~sculpture~~ sculpture was displayed @ a copy-right notice, the copyr. was held invalid on the ground that the earlier display of the model constituted a publicatn. that placed the statue in the public domain."

P. 339

— NONCOPYRIGHTABLE SUBJECT MATTER

1. IDEAS - The form of expression of the idea NOT the idea itself is copyr. bl.

2. Titles

3. Slogans, Trademarks, Words + Phrases

4. Works of Utility

5. Patented Publications

P. 340

P. 388

6. Non-Recorded assignments of Copyright.
"thrusts" the copyright into the
"public domain".

2. Conceptual Support

12-11-78

Thank you for this beautiful Christmas card
and for the thoughtful message. I am
glad that you are not giving up on
me (I know) but thoughtful during
this time. I am sure that you will
be a great success in your new
pleasant journey. Thank you very much
for the most delicious and beautiful
gift. I am sure that you will be
a great success in your new journey.
I am sure that you will be a great
success in your new journey. Thank
you for your many kind wishes.
I am sure that you will be a great
success in your new journey.

12-10-78

Dear Patrice and the Mueller Family,

As I sit here at the Huntington Library grounds on this beautiful Sunday afternoon,

this card (entitled The White Hart Inn) re-

minds ^{me} of your most generous hospitality

(shown ~~to~~ ^{me}) last Thursday ^{evening} (dinner)!

~~Truly~~ ^{Truly} was a most ~~very~~ enjoyable and

pleasant evening. Thank you very much

not only for ~~the~~ ^{the} most delicious and hearty
of meals but ^{also} for the warm and ^{friendly} ~~hospitable~~
welcome ^{extended to} ~~given~~ to
~~family atmosphere~~ (me.) Again, thank

you for your many kindnesses.

Best Wishes to All,

ROB

Ellis Is
= TIVALLU ans
= New Country

Scott Ford
297-1216

DINAH:
(415) 653-4690

African Goals + Aspirations / 408 984-4261

DENVER
Jed Nanda
Denver to
Akusier
the Intl.
Jim Blackledge
Denver

"Science + Technology are not an end in themselves."

1. They are the "product of the genius of a given culture" as well as ...
2. "An instrument for the advancement of the welfare of man as understood by that culture." Therefore...
3. "Science is not necessarily always universal, nor is it absolutely neutral." And...
4. "It is intimately linked to value systems and to a specific vision of the world."

Application of Science + Technology has as its main purpose:

1. "The attainment of the goals of a society, including its basic needs, and the aspirations of its people, with full respect for human dignity and cultural identity." Effect can be Positive or Negative.
2. Effects are felt only over a Relatively long period of time. Therefore...
3. Decision makers must be forward-looking and future-oriented in their approach while...
4. Also attending to pressing short-term objectives

— Must be aware that,

1. Before the application of science and technology to development, is accomplished:
 - A. ~~the~~ "TRUE DEVELOPMENT" only occurs when science becomes part and parcel of culture. Otherwise only ^{superficial} & ^{partial}

Developing countries are in the unique position to choose:

1. The best of Technology
2. Avoid the pitfalls (pollution, destruction of culture, etc.) that "developed" countries have endured

WHAT IS "RIGHT" FOR THEM? = MVIP

Underdevelopmt:

1. Characterized genly. in terms of:
 - A. Economic Dependancy +
 - B. Political Dominance

Present Global Situation in field of Science + Technology is characterized by an unacceptable imbalance in the allocation of resources between the devlpd. + the devlpng. countries. (as stressed at ARUSHA Symposium)

Intl. Scientific Cooperatn. all too often reflects a hitherto neglected area of dominance and dependency in the relations between the rich and the poor countries. This IMBALANCE is seen as a major factor contributing to underdevelopmt. and the lack of even a minimum national self ~~defense~~ reliance in science + technology, which in turn is having adverse consq's. for the political + econ. policies of self reliance in African States.

African
Developing countries only now have the time away from the necessities of gaining independence to begin thinking about developmt.

- Potentially, the common basis of all science, emanating from the character of the physical & biological world, does point to a convergence btwn. the scientific & technol. pattern all over the world. However, there are divergencies of a political and econ. character. ANY DISCUSSION OF SCIENTIFIC AND DEVELOPMT. EFFORT IN THE WORLD BECOMES DEFECTIVE IF IT AVOIDS REFERENCE TO VALUE SYSTEMS AS WELL AS TO CULTURAL, POLITICAL AND SOCIO-ECONOMIC DIMENSIONS.

H. H. H. H.

- "In previous conferences, ... there was little reference to self-reliant econ. growth designed to meet the basic needs of a population, to evolve suitable local institutions and mechanisms for receiving, generating and spreading scientific and technological advances, and to institute participatory forms of developmt. planning."
- New International Economic Order (NIEO)
- E.g. energy crisis hit developing countries hardest. Developed countries were able to quickly mobilize to find new ~~supplies~~ suppliers of alternative energy supplies. (over)

"... the task ... is to deliberate and act upon the modes, policies and strategies for a conscious, sustained application of science and technology to a development that would be need oriented, endogenous, self reliant, ecologically sound and involving the transformation of social structures"

"Building up" of a Technological base and the relatin. thereby to technology, as a part of Common Heritage:

"The Character of the Scientific development process itself and the various phases of it such as indigenous science and technology, competence building, utilization of such competence for problem identification, carrying out of research, and the dissemination and application of the results of research." → Added to this they wld. argue that technology is C.H. and shld. be thus transferable.

WIP - "It is now generally conceded (? AMONG WHOM?) that there is a need for restructuring the present inequitable intl. econ. relations which impede the full realization of the development potential of all countries and more particularly those in Africa. The satisfactory basic human needs and the fulfillment of man's aspirations for a more dignified life cannot be attained over 20

WIP

P. 15

II Integrated

Natl. Science

& Technology Policies

#181

Quels's. Re: INCENTIVE

→ The concept is Cooperation instead of competition. How is this feasible given the nature of man? Will he work to create things + ideas if he receives ~~no~~ no reward for his labor? Socialists systems clearly show that once incentive is removed then the whole of society begins a gradual descent. ∴ If ideas and inventions become part of the C.H. then Without some form of LICENSING and fair return to the originator then I believe there wld. be less and less innovation and fewer and fewer people "innovating" and in the end EVERYONE suffers because innovation ~~is~~ wld. cease. Unfortunately, or not, man is not yet so altruistic that he is willing to work, without the highest possible obtainable reward, for the good of society as a whole. Ego satisfaction also is clearly not reward enough. — Added to this are of course the problems of licenses and patents. These systems of protection will not soon disappear.

a New Intl. Scntfc. + Technol. Order (NISTO), Bin the New Intl. Econ Order (NIEO), which wld. ensure an optimal applicatr. of science + techlogy. to dvlpmt. in its broadest and most forward-looking sense."

(Prob. here, this assumes that the life in the so-called "developed" countries is to be aspired to or is "good" in any sense of the term or that it is to be modeled in any way and synonymously is the notion therefore, that the underdeveloped nations' ways of life, culture, etc. are not as desirable a way to live than is the so-called developed countries' life style. Why then shld. techlogy from dvlpd. countries be so valuable if such techlogy. will only lead to the same mistakes?)

MVIP
#19.

"The present world econ. sys. both engendered + is sustained by an intl. scntfc. + techlogy. set-up which hinders the advancement, as well as the applicatr. of science + techlogy. in African countries which, in this context, are (a) placed at 'the periphery', as distinct from countries at 'the centre', where scntfc. + techlogy. resources, facilities, knowldg., rsrch and applicatns. are concentrated; (b) dependent on 'the centre' for knowldg. and ac-

activities in science + technology, and recipients of knowledge + technology on "terms" set by 'the Centre'; (c) unable to utilize science and technology fully for their natl. econ. development and integration; (d) not only scientifically, + technologically, handicapped in relation to 'the Centre', but also (e) outpaced over time, thus increasing the gap btwn. devpd. + developing countries." (sounds like a bunch crying children)

MVIP
#20

"As it is agreed that science + technology are essential inputs to development, & that a given world sys. of econ. relations generates a corresponding world sys. of scientific + technological relations, then the establishment of the A.N.I.E.O. calls for the implementation of a N.I.S. + T.O. @in the N.I.E.O. Two particular aspects of the N.I.E.O. are noted in this regard: (i) The need for restructuring natl. relations + econs. to ensure social + econ. justice @in nations. (ii) The need for promoting the expression and realization of the development aspirations, potentials and roles of all mankind nationally + internationally."

MMM
VIP
#21

"In the fullest sense, development means not only the growth + eqtbl. distribtn. of matl. products, BUT ALSO THE RELEASE OF EVERY PERSON'S INHERENT GOOD WILL AND SPIRIT — THE TOTAL DEVELOPMENT OF

PEOPLE — THROUGH THE IN-
CREASED SATISFACTN. OF NON-MATL.
NEEDS SUCH AS SELFEXPRESSION,
CREATIVITY, PARTICIPATN., A SENSE
OF PURPOSE AND A SENSE OF SELF-
VALUE. THE OBJECTIVE OF SCIENCE
MVIIP → & TECHNOLOGY IN DEVELOPM. SHLD
INCLUDE THIS NON-MATL. ASPECT
OF THE PROCESS OF DEVELOPM."

(obviously, taking the notion a
step further, we argue that
Technology Transfer shld. be
part of the "release of every per-
son's inherent good will and spirit")

(i.e. something for nothing, another
typical socialist demand of
silver platter, big brother, ~~and~~
cradle to grave, something for nothing
demand.)

MVIIP — "Research + Develop. + Transfer of Technolgy."
#(i)
26. This involves a country's position
on the type, scale and complexity of
scientific and technol. resch + develop.
activities in the country. It also
involves a positn. on the sources
& directions of transfer and adaptatn.
of technologies from outside the country."

MVIIP — "Education + Training"
36. In the African Region, educatn. +
training at all levels — including pri-
mary, secondary and higher levels —

are inadequate in all fields of science & technology, and there are indications that the quality is declining..."

(This shows that education is at such a low level that transfer of technology is vital)

① Brain Drain

38. 'Brain Drain'... in some African countries, this is becoming a major and alarming problem..."

(again Transfer of Technology is needed to make up for this loss)

Throughout this whole paper so far there is an alarming absence of discussion about the LACK OF ECON. INCENTIVE. Remember, even tho. socialists ~~wld.~~ have you believe people are altruistic, they are NOT. People work on an innate knldg. of econ. incentive. People want more reward than merely helping "society"! !

Give the developing countries people an opportunity to have a little econ. freedom i.e. capitalism, and given Africa's resources, then development wld. happen faster, the Brain Drain wld. stop, Education wld. improve, etc. etc. = INCENTIVE

The Africans have simply replaced their Colonialists with Socialist Governments, which create the same lack of incentive because of a lack of ownership!

- "Self Reliant Approach to Dvlpmt.

47. Self Reliance is probably the most important conditn. for any form of Dvlpmt., since it generates the political & socio-cultural will to overcome probls. which might not be solved otherwise. This is more particularly true in the areas of the applicatn. of science & techlgy. to dvlpmt. ... But self reliance does not mean isolatn. ... " (miscounters over Thesis)

- "48. The Arusha Symposium ... emphasized the fact that the present global situatn. in the field of science and techlgy is charctzd. by an unacceptable imbalance in the allocatn. of resources btwn. the dvlpd. & dvlping countries. ... the existing probls. of intl. scientific cooperation reflect a hitherto much neglected area of dominance and dependng in the relatns. btwn. the rich and the poor countries. This imbalance was seen as a major factor contributing to processes of underdvlpmt. and the lack of even a minimum natl. self reliance in science & techlgy. ..."

MMM
VIP

- "LEGAL ASPECTS of the transfer of science and Techlgy. and Technical Assistance

63. The Symposium consid'd. the legal aspects involved in the transfer of science & techlgy and noted that, in so far as the role of law is concerned, the subject is largely governed by domestic laws (as opposed to Intl. law)

in force in the industrialized countries. In relation to technology, the salient features of these existing national laws are:

- (i) Recognition that technology is private property or a commodity which can be valued in monetary terms.
- (ii) Recognition that the owner of this property, i.e. the author or inventor, is entitled to the protection of his ~~property~~ proprietary rights against unauthorized users or competitors.
- (iii) Recognition that, in order to create incentives for innovation, adaptation + invention, the authors and inventors, whether they are individuals or companies, are entitled to benefits from their risk and efforts.
- (iv) Recognition that it is legitimate to impose restraints on the free flow of technology.

64. In the light of these salient features in the existing laws, the Symposium felt that there is need for a change of attitude in the developed countries regarding the nature of technology and its application for the well-being of mankind. The Symposium expressed the view that, for a start, there must be a universal acceptance of the concept that KNOWLEDGE IS THE COMMON HERITAGE OF MANKIND. Secondly, the Intl. Community ought to acknowledge that it is to the mutual benefit of developed and developing countries

to show the world's technical achievements. Towards this end, the Symposium saw a real need to change the existing intl. transfer of techlogy. process so as to attain a greater liberalizatin. of the conditns. of the intl. flow of knowldg. For this purpose, African countries must develop further the already established approach of seeking to promote the promulgation of intl. codes of conduct and the establishmt. of models of natl. legislatn. in order to control, regulate and facilitate techlogy. transfer to developg. countries.

65. The Symposium gladly noted, however, the current efforts of the World Intellectual Propy. Orgnzn. (WIPO) & the U.N. Confnc. on Trde & Developmt. (UNCTD) in the search for an intl'ly. acceptable legal sys. under which suitable arrangements may be made for the transfer of techlogy. to developg. countries on eqtbl. terms & conditns. The Symposium also noted w/ satisfactn. that member states of the Organ. for African Unity are taking an active part, both individually & collectively, in the current negotns. for the establishmt. of a new legal regime for the transfer of techlogy. p'ticly. in relatin. to matters concerning the grant of licences, patents, trade marks and the use of copyrat. facilities. Participants at the Symposium understood that appreciable progress had been made

in this area of intl. cooperatn. and, consequently, expressed the hope that the recommendations of the Symposium in this regard wld. be taken by the appropriate authorities as a contribn. to future efforts of the bodies engaged in the search for a solution to a pressing probl., in the context of estblshng. a New Intl. Econ. Order.

If Knowledge is Com. Htg. (^{even} given the fact that people are parts of countries not masses w/out borders like the oceans) then too shld. be things like other NATURAL RESOURCES. ∴ an "eqtbl. term + condtn." of such transfer wld. be ideas, innovatn. and knowldg. for unfettered exploitatn. of ^{developing} countries resources such as minerals, real perty. and more to the point labor since one man's knowldg. (a publ. thing) cld. be traded for another's labor (also persnl.). ^{they} They want a cheap source of knowldg. then ^{they} shld. be willing to trade cheap labor e.g.

Summary

- Regional + Intl. Cooperatn.
- (i) The 1979 UNCSTD shld. recommend a new framework of intl. cooperatn. in science & technology which, in order to have an impact, shld. imply the estblshmt. of a NISTO in the NIEO.
- The U.N. sys. shld. be restructured in such a way to facilitate & support the promotn. of cooperatn. in the fields of Science + Techlogy.

particularly in developing countries.

MM
VIP
Summary
MM
VIP

(xvi) There is an urgent need for a change of attitude int'lly. towards the nature of technology and its applicatn. for the welfare of mankind. It must ∴ be accepted universally, for a start, that technologized knowldg. is the common heritage of mankind.

MM
VIP

(xvii) The Intl. Community shld. acknwdg. that it is in the mutual int. of devlpd. + devlpng. countries to share the world's technological achievements, and that there is a pressing need to Δ the existing process of technology transfer to devlpng. countries & to liberalize the condtns. relating to the flow of knowldg.

MM
VIP

(xviii) In connectn. @ the transfer of technlgy, the Arusha Symposium supported and associated itself @ recommendatns. 2, 3 + 5 in Recommendatn. 18 of the CASTAFRKA Report, namely that:

(a) '... Intl. organs. and African countries take all nec. steps to ensure that the grant of patents, licences and trade marks and the acquisitr. of know-how take place on terms that are most favourable to the African countries.'

(b) '... Contractual arrangements, concerning technology transfer be concluded on an eqtbl. basis.'

(c) '... African states shld. consider the establishmt. of inter-African enterprises entrusted @ negotiating the terms of the importatn. of technologies + the purchase of equipmt.'

— Dr. W. K. Chagula's address,

"... The summary of the relevant res-
oltn. of the Special Session of the U.N.
Genl. Assly. which consid'd. this subject
is as follows:

(i) Develpd. + Dvlping countries shld. cooperate
in the estblshmt., strengthening and
dvlpmt. of the scientific & technological
infrastructure of dvlping countries. De-
veloped countries shld. also take ap-
propriate measures, such as contribu-
tion to the estblshmt. of an industrial
technolgy info. bank & consid. of the
possibility of regional + sectoral
banks, in order to make availbl.
to Dvlping. a greater flow of info. per-
mitting the selectn. of technolgies, in
particular, advanced technolgies.

(ii) Develpd. countries shld. signfctly. ex-
pand their assistance to dvlping. coun-
tries for direct support to the science
& technolgy programmes, as well as in-
crease substly. the proportn. of their
research + dvlpmt. devoted to specific
probls. of primary int. to dvlping countries
& the creatn. of suitable indigenous
technolgy, in accordance @ feasible targets
to be agreed upon. The Genl. Assly. invites
the Secty-Genl. to carry out a prelim-
inary study on the possibility. of estblshing
@ in the framework of the U.N. sys., an
Int'l. Energy Institute to assist all
dvlping. countries in energy resources
research + dvlpmt. (over)

MDIP

(iii) All STATES SHOULD COOPERATE IN EVOLVING AN INTL. CODE OF CONDUCT for the transfer of technology, corresponding in particular to the special needs of the developing countries. Intl. conventns. on PATENTS and TRADE MARKS shld. be rewid. and revised to meet, in particular, the spec. needs of developing countries in the transfer and devt. of technology. Natl. patent sys's. shld., w/out delay, be brought into line @ the intl. patent sys. in its revised form."

JESSUP MOOT Ct.

Transfer of Technology!

DINAH

- Domestic Analogy
- "Public Trust" notion = French law

IDEAS

FOR TRANSFER

Developing Countries wld. pay less "cut" on their loans or ~~other~~ other payment until able to pay. The "DEPOSITS" are Voluntary thereby eliminating provt. of State/ military servt.

U.N. wld. become a depository of "ideas" i.e. countries wld. deposit @ the U.N. its Patents, Copyrights, + Trademarks (by definitn. this wld. have to be done voluntarily due to lack of ability to enforce anything by U.N.). - Then, the peoples of the world could "withdraw" from this "Bank" any of its ideas and could put them into use. This wld. be monitored by Regional Area States' Groups and the using states wld. return to the U.N. a certain % of the \$'s gained from the use of such ideas in the form of "interest" payments. Such payments, wld. be "credited" to the acct. of the respective "depositing state" and then it wld. be up to those states whether to keep it or return such sums to the inventor

(expand this idea) over

Idea
Contd.

This idea wld. be beneficial in that it wld. allow for the transfer of ideas, it wld. continue the theory of patent-monopoly-incentive in order to insure continued production of beneficial ideas, it wld. fall in line @ the C.H. notion in that the U.N. as an intl. body wld. be the "Bank" (depository and lending institution). This is NOT a complete C.H. notion in that the ideas DO NOT simply become "free-of-charge" part of mankind's knowledge, but rather are "deposited" in an institution for mankind's use. Another advntg. is that the people who need it can get ~~it~~ the info. and those who invent get paid for it since it wld. still retain the concept of "property" @ Value. ~~It~~

ARVID PARDO'S REASONING
BEHIND HIS WORK
ON COMMON HERITAGE

- Malta = island, naturally int'l. in matters re: the sea
- Malta = is very small + weak + wld. gain much from a reorganization of the intl. structure,
- NEW Intl. Econ. Order (NIEO)
- Interests for the U.N. to strengthen:
 1. Disarmament.
 2. Peaceful Settlement of Disputes
 3. Peace-keeping
 4. Econ. & social activities of the U.N.

- J.S. Mill
+
Locke
+
Hobbs } Social K theory

Robert Redfield, Bibliography

- bk about 1st contact of 2 peoples
- something entitled "Villages" or some such.

89 at the
just

OUTLINE

- must first reduce knowledge (+ technological knowledge) into a resource
- Then, that resource must come under PUBLIC TRUST concept
- Then, National Public Trusts must come under some form of international mgmt.

(Many Probs. @ the above:

1. Incentive
2. Public Trust theory
3. since not even natl. theory yet, the jump to the intl. realm is ~~made~~ much more difficult.