Nobel Laureates Denounce Hatch's Patent Bill

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President Clinton's Council on Sustainable Development, whose chief current goal is to promote public acceptance of the Climate Change Treaty that Clinton will sign in December in Kyoto, is attempting to kill two birds with one stone by linking the treaty to Orrin Hatch's Omnibus Patent bill, S. 507. The link is "international harmonization of intellectual property rights," which the Clinton Administration is pursuing through Congressional bills, trade agreements, treaties, and outright giveaways.

The problem with "harmonization" of U.S. patent rights is that the Clinton Administration wants to harmonize on the basis of unsuccessful foreign patent systems, instead of the supremely successful American system.

Senator Hatch's Omnibus Patent bill was blasted recently at a national news conference in Boston by a distinguished group of 26 Nobel Laureates in economics, physics, chemistry and medicine. Remarkably, the signers of this joint statement include lifelong antagonists Milton Friedman and Paul Samuelson.

These luminaries released an open letter to the U.S. Senate that began unequivocally: "We urge the Senate to oppose the passage of the pending U.S. Senate Bill 507." Their reason? "It will prove very damaging to American small inventors and thereby discourage the flow of new inventions that have contributed so much to America's superior performance in the advancement of science and technology."

If anybody understands the importance of innovation and creativity to the unparalleled American achievements, it is the Nobel Laureates. And they stated flatly that "S. 507 could result in lasting harm to the United States and the world."

Their letter praised the "wonderful institution that is represented by the American patent system established in the Constitution in 1787, which is based on the principle that the inventor is given complete protection for a limited length of time, after which the patent . . . becomes in the public domain, and can

be used by anyone, under competitive conditions for the benefit of all final users."

The Nobel Laureates' letter brought out on the table the fact that S. 507 toadies to the "large multinational corporations" at the expense of the constitutional rights of independent inventors. Indeed, the chief advocates of S. 507 are the well-heeled lobbyists for the multinationals who look upon independent inventors working in their garages or bicycle shops as nuisances they would rather not deal with.

The Nobel Laureates' letter accurately defines our unique American patent system as "a delicate structure" which "should not be subject to frequent modifications." The letter added that "Congress, before embarking on a revision of our time-tested patent system, should hold extensive hearings on whether there are serious flaws in the present system that need to be addressed and, if so, how best to deal with them."

According to Dr. Dudley Herschback, 1986 Laureate in chemistry, S. 507 "would create total chaos and of course it is conducive to fraud and deceit. This is a piracy bill." Dr. Franco Modigliani, 1985 winner of the Economics Nobel prize, emphasized, "It is against the spirit of the U.S. patent system which is a great economic and cultural invention."

Congressman Dana Rohrabacher (R-CA), the chief opponent of patent-law revision in the House, has received letters from foreign inventors who plead with America not to "harmonize" our system by adopting the patent system of other countries. Foreign inventors know only too well that the patent systems of most foreign countries are rigged in favor of powerful vested interests and the politically well-connected and against independent inventors.

Our Founding Fathers created the constitutional right of inventors to the "exclusive" ownership of their creations as a democratic right, available to every individual. This uniquely American system is responsible for the fact that the United States has produced 95 percent of the world's inventions.

But envious foreigners want to steal American inventions. The basic terms of S. 507 were hatched in a deal in 1994 between the late Secretary of Commerce Ron Brown and the Japanese Ambassador.

It is noteworthy that S. 507's sponsor, Orrin Hatch, is pushing another proposal to extend the term of songwriters' copyright protection from 50 to 70 years beyond the author's life. Hatch has a personal interest in that bill; he holds the copyright on a compact disc of religious songs he wrote.

So, Senator Hatch wants to protect the property rights of songwriters for 70 years, but strip away the rights of inventors only 18 months after their patent applications are filed, whether or not the patent is ever granted!

Senator Hatch has tried to mollify critics of S. 507 by amending it, but the bill is so bad that no amendments can make it acceptable. S. 507 would open up all existing patents to reexamination, and it would put the Patent Office under a board of directors dominated by representatives of the multinational corporations.

Senator Hatch needs to be told that inventors' creations are entitled to at least as much protection as songwriters'.