

CLASS

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NATIONAL SECURITY AGENCY  
Washington 25, D. C.

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NSA REGULAT  
NUMBER 80-2

23 June 1953

EFFECTIVE UNTIL 15 JULY 1954 UNLESS SOONER  
RESCINDED OR SUPERSEDED

SECURITY ORDERS ON PATENT APPLICATIONS

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SECTION I - SUPERSESSION

This Regulation supersedes NSA Regulation Number  
80-2 dated 24 June 1952.

SECTION II - GENERAL

In accordance with 35 USC 181, the Commissioner of Patents shall, upon the recommendation of an appropriate official place under a secrecy order any application for a patent and withhold the grant of a patent. The Assistant Director, Research and Development, is responsible for the investigation, coordination and review of patent applications submitted to this Agency under the provisions of the law, which states in part: )

"Whenever the publication or disclosure of an invention by the granting of a patent, in which the Government does not have a property interest, might, in the opinion of the Commissioner, be detrimental to the national security, he shall make the application for the patent in which such invention is disclosed available for inspection to the Atomic Energy Commission, the Secretary of Defense, and the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

"If, in the opinion of the Atomic Energy Commission, the Secretary of a Defense Department, or the chief officer of another department or agency so designated, the publication or disclosure of the invention by the granting of a

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patent therefor would be detrimental to the national security, the Atomic Energy Commission, the Secretary of a Defense Department, or such other chief officer shall notify the Commissioner and the Commissioner shall order that the invention be kept secret and shall withhold the grant of a patent for such period as national interest requires, and notify the applicant thereof."

SECTION III - POLICY

The question of placing under secrecy orders cryptologic patent applications which have been filed in the United States and one or more foreign countries is one that falls within the evaluation procedures established by this law. Since cryptologic inventions are of so specialized a nature that additional criteria must be observed in consideration of them, the following policy is established for guidance of those in this Agency concerned:

a. A cryptologic patent application will not be recommended for retention under a secrecy order if this patent application has been filed in one or more foreign countries, except as otherwise provided under international agreement. (Reference Department of the Army Serial Document, Short Title DA-DCMI, "Disclosure of Classified Military Information to Foreign Governments").

b. The Assistant Director, Research and Development, on being notified that a cryptologic patent which has already been or which is proposed to be filed in one or more foreign countries is pending in the United States, will physically inspect and evaluate the patent application.

- (1) If, in the judgement of the Assistant Director, Research and Development, the patent application is not relevant, or if it embodies only a simple cryptologic principle the revelation of which would not be detrimental to the activities of this Agency and would not endanger national security, he will make the recommendation that the application not be placed under a secrecy order.
- (2) If, in the judgement of the Assistant Director, Research and Development, the patent application embodies cryptologic principles

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the revelation of which may be detrimental to the activities of this Agency or may endanger national security, he will coordinate the matter with the Assistant Director, Production, and the Chief, Office of Communication Security, and the Chief of any Staff Division who may have an interest in patent application. If no objections are requested to the stated policy, a recommendation will be made that the patent application not be placed under a secrecy order. However, if an objection to the above policy is requested, the Chief of the Staff Division or Office requesting the objection will state in writing his objections. The objections and all allied papers will be forwarded to the Assistant Director, Research and Development, for review and evaluation. The Assistant Director, Research and Development, will forward the objections, allied papers, and his recommendations to the Director for final decision.


SECTION IV - SUPERVISION

Supervision for the implementation of the policy established herein is the responsibility of the Assistant Director, Research and Development.

BY COMMAND OF LIEUTENANT GENERAL CANINE:

OFFICIAL:

ALFRED R. MARCY  
Colonel, US Army  
Chief of Staff

  
GEO. E. CAMPBELL  
Colonel, AGC  
Adjutant General

DISTRIBUTION I

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