


Development of Soviet legislation in the field of invention, rationalization and patent and licensing business

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The foundations of Soviet legislation in the field of invention were laid down by the decree "Regulations on inventions" dated June 30, 1919, signed by V. I. Lenin. This decree established the protection of inventions on a new socialist basis. The decree stated that any invention recognized as useful by the Committee for Inventions may be declared the property of the RSFSR by decision of the Presidium of the Supreme Council of the National Economy . These inventions came into the use of all institutions and citizens on the terms agreed in each case. Inventions declared to be the property of the state, related to national defense or especially important, were not subject to patenting abroad and transfer to third parties or generally disclosure. Violation of this rule entailed criminal liability.

The author of any invention retained the right of authorship to this invention, which was certified by the issuance of an inventor's certificate to him. The inventor was entitled to remuneration if his invention was declared the property of the RSFSR .

According to the decree, any invention made on the territory of the RSFSR must be declared in Russia before the application is filed in other countries.

The subsequent change in legislation was due to the transition to a new economic policy. A decree was issued by the Central Executive Committee and the Council of People's Commissars of the USSR dated September 12, 1924 "On patents for inventions". This decree (law), in contrast to the patent law of capitalist countries, like the previous decree, ensured the protection of the right of the actual inventor. According to the law of September 12, 1924, the applicant could be either the author of the invention or the person who acquired the right to his invention from the author. The invention was protected by granting a patent and granting its owner the exclusive right to the invention. The 1924 law established the protection of the rights of workers and employees to their inventions made directly in production. In this case, the author retained the right to the invention. A patent in the name of an enterprise could only be granted if

The order of the Supreme Council of the National Economy of April 11, 1925, signed by F.E.Dzerzhinsky, was of great importance in the development of invention . It indicated that in order to encourage broad collective creativity of

workers, it is advisable to reward every improvement proposed and developed by a worker at a factory. The most important thing is to help the worker-inventor to overcome the difficulties that stand before him on the way to the implementation of his invention due to the lack of scientific and technical knowledge.

The technical reconstruction of the national economy, carried out on the basis of the first five-year plan, raised the role of invention and rationalization even higher. The Central Committee of the All-Union Communist Party (Bolsheviks) on October 26, 1930 adopted a special resolution "On the state of mass invention from the angle of its influence on the rationalization of production." This decree, noting the importance of mass invention in the creation of new technology, outlined specific measures for its development. The heads of enterprises and economic bodies were charged with the obligation to consider work proposals in a timely manner, eliminate the red tape with the introduction of valuable inventions and rationalization proposals, and form a production base at enterprises for their development, manufacture and testing of prototypes. The decision of the All-Union Central Council of Trade Unions was approved to create the All-Union Voluntary Society of Inventors.

This resolution contributed to the adoption of the Central Executive Committee and the Council of People's Commissars of the USSR "Regulations on inventions and technical improvements" dated April 9, 1931. Based on the new conditions prevailing in our country, two forms of legal protection of inventions were introduced into the Regulations - copyright certificate and patent. The Regulation emphasized that the patent legislation in force until now, which protected the interests of the inventor by granting him the exclusive right to his invention, no longer corresponds to the aspirations of progressive inventors - the conscious builders of a socialist society.

An inventor could apply for an inventor's certificate or patent for his invention; in the latter case, he acquired the exclusive right to the invention. Within the framework of the Regulations of 1931, legal protection of rationalization proposals was introduced, and, moreover, not only technical, but also organizational and production. The regulation clearly posed the question of the planned introduction of inventions into industry, which became possible only under the conditions of a planned socialist economy, and it was also noted that the introduction of inventions is the most important stage in the entire organization of inventive business.

The building of socialism in our country, accompanied by the rapid development of all sectors of the national economy on the basis of new technical solutions, required significant changes and additions to the legislation on invention. In this regard, on March 5, 1941, the Council of People's Commissars of the USSR approved a new Regulation on inventions and technical improvements. With this Regulation on the people's commissariats of the USSR and the union republics, as well as on the main directorates and committees under the Council of People's Commissars of the USSR and cooperative centers were entrusted with the planned management of inventive activity by developing long-term and current thematic plans, organizing competitions aimed at solving the most important technical problems, etc. These bodies were supposed to develop and introduce inventions, technical improvements and rationalization proposals into the national economy. At the same time, the state took care of the implementation of inventions for which copyright certificates were issued.

As a result of the increase in the creative activity of workers in production and science in the post-war years, new tasks were set in the field of managing technical progress. The Regulation on Inventions and Technical Improvements,

approved in 1941, and the Instruction on Remuneration for Inventions, Technical Improvements and Innovative Proposals, approved in 1942, did not fully meet their purpose. Therefore, after the creation of the Committee for Inventions and Discoveries under the Council of Ministers of the USSR (September 1955), the preparation of new legislative acts began. A wide range of inventors and innovators were involved in their development.

On April 24, 1959, the Resolution of the Council of Ministers of the USSR approved the "Regulations on discoveries, inventions and rationalization proposals" and "Instruction on remuneration for discoveries, inventions and rationalization proposals"

In the Regulation of 1959, for the first time, definitions of invention and rationalization proposal were given. The lack of a clear definition of inventions and rationalization proposals previously hampered practical work and caused arbitrary and contradictory interpretations when qualifying proposals. The 1959 regulation established only two types of technical proposals that were subject to legal protection - inventions and rationalization proposals - instead of the three previously established ones, that is, technical improvements were excluded. The procedure for filing and considering applications for discoveries was regulated.

The legal protection of scientific discoveries was not known to the legislation of the capitalist countries. The 1959 regulation granted inventors and innovators the right to participate in the implementation of work on the implementation of their inventions, provided for the procedure according to which disputes about the amount and timing of payment of remuneration for inventions and rationalization proposals are initially considered by the administration of the enterprise together with trade union organizations; if this requirement was not met, the author could file a complaint with a higher authority, and then with a claim to a court.

The regulation introduced new incentives and benefits. By decrees of the Presidiums of the Supreme Soviets of the Union republics, the honorary titles "Honored Inventor of the Republic" and "Honored Rationalizer of the Republic" are established, which are awarded with the presentation of the corresponding badge.

The wider use of inventions and rationalization proposals in the national economy was facilitated by the decree of the Central Committee of the CPSU and the Council of Ministers of the USSR of May 20, 1960, No. 531 "On measures to improve the implementation of inventions and rationalization proposals in the national economy." great contribution to the acceleration of scientific and technological progress.

Resolution of the Council of Ministers of the USSR of June 14, 1962 No. 607 "On improving the protection of state interests in the field of inventions and on further improving the organization of invention in the USSR" 2 outlined further ways to improve the management of inventions. By this decree, in particular, enterprises, research and development and other organizations were obliged to submit, in accordance with the established procedure, applications for the issuance of copyright certificates in the USSR and, if necessary, patents abroad for machines, devices, equipment, technological processes created at these enterprises and organizations, which can be recognized as inventions. In accordance with this decree, patent services were created in organizations and enterprises, which began to organize work on the selection and patenting of inventions abroad, on the preparation of materials for the sale of licenses, verification of technical objects for patent purity, etc. (see Ch. five).

On June 30, 1964, the Council of Ministers of the USSR adopted Resolution No. 560 "On measures to improve the business of invention and rationalization in agriculture" 3. The adoption of this resolution contributed to the acceleration of the introduction of inventions and rationalization proposals in agriculture, the improvement of material incentives for inventors and innovators, and assistance to them in the development and implementation of their proposals.

Organization of patent and licensing work is very important. Therefore, on May 19, 1967, the Council of Ministers of the USSR adopted Resolution No. 449 "On Measures to Improve Patent and Licensing Work in the Country" 1. The role and responsibility of the Committee for Inventions and Discoveries under the Council of Ministers of the USSR were increased. The committee should guide the development of the patent business in the country, develop measures to further improve the patent and licensing business, coordinate the work of ministries and departments and monitor their activities in this area.

During the 1959 Regulations, important changes took place in the country's economy and methods of state management of the national economy. All these changes could not but find reflection in the field of organization of inventive activity.

The scientific and technical cooperation of the USSR with socialist, capitalist and developing countries has intensified, primarily in the use of the results of inventive creativity.

The above circumstances demanded the improvement of legislation in the field of invention, ensuring the creation of the necessary conditions for the development of technical creativity in the country. To achieve these goals, the Central Committee of the CPSU and the Council of Ministers of the USSR on August 20, 1973, adopted Resolution No. 575 "On the further development of inventive business in the country, improving the use of discoveries, inventions and rationalization proposals in the national economy and increasing their role in accelerating scientific and technological progress" 2, and the Council of Ministers of the USSR adopted Resolution No. 584 of August 21, 1973 approving the Regulation on discoveries, inventions and rationalization proposals 3. The Regulation entered into force on January 1, 1974.

The named resolution of the Central Committee of the CPSU and the Council of Ministers of the USSR, Regulations and "Fundamentals of Civil Legislation of the USSR and Union Republics" (Sections V and VI), approved by the Supreme Soviet of the USSR December 8, 1961 (hereinafter referred to as the Fundamentals of Civil Legislation), are the most important normative acts that regulate the issues of invention and rationalization, patent and licensing activities, as well as issues of legal protection of scientific discoveries. Of course, certain issues related to the registration of applications for inventions, the procedure for the examination of proposals, the payment of remuneration for discoveries, inventions and rationalization proposals, the determination of its size and other procedural aspects could not be contained in the Regulations, since they would have made it too cumbersome. Therefore, with the release of the Regulation, the development of legislation in the field of invention and rationalization cannot be considered complete. Many points are specified and developed in the accompanying acts of the State Committee of the USSR for inventions and discoveries.

Familiarization with these acts, strict adherence in practice to the norms provided for in them greatly facilitate the work of developers, the legal protection of Soviet inventions and the use in the USSR of both domestic and foreign scientific and technical achievements.

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