"Individual happiness must have
collective results, failing which
life becomes a predator's dream."

Daniel Pennac

To Achieve A More Effective Economy, Intellectual Property Must Be Accessible To Everyone

Michel Dubois' Manifesto

Author of the original Intellectual Passport Omnibus Volume
Founder of the International Consortium of *USD System* Editions

(excerpt from his book "At last, Intellectual Property is affordable for everyone!")

Ownership of Property on Works of the Mind

All Types of Intellectual Creations and Concepts Are Likely to be Developed as a Result of this Work (Manifesto)

A. According to the Berne Convention *(September 9th, 1886)*, the Universal Copyright Convention *(September 6th, 1952)* and the national laws that comply with the Universal Declaration of Human Rights, a literary and/or artistic work, namely a Work of the Mind, is the property of its author by the mere fact that he created it. Such intellectual property is non-transferable, inalienable from which it derives its perpetual character and, by way of fact, universal. Patrimonial, moral and derived rights result from this property: author's rights or © copyright. These rights can be either assigned or contractually licensed, depending on the author's choice or that of his heirs, legatees or beneficiaries. Legally, copyright provides the exclusive rights to produce, reproduce, translate, adapt, quote, interpret and implement all or part of the author's work in any shape or form, for commercial purposes.

This means that:

First: copyright is reserved to the physical person who is, unquestionably, the creator of a true literary and/or artistic work. The word author *(from Latin "auctor")* means: a person who is the prime cause, at the origin of something. Consequently, a third party who executes a second work fully or in part identical, or inspired by that of the true author, aware or not of the existence of the original work, cannot legally claim a copyright of this latter work. Moreover, the words ″invent *(find)*″ and ″innovate *(launch the invention onto the market)*″ do not have the same meaning. Likewise, the laws governing these words are different from copyright law.

Second: any reproductions, whether intentional or not, for whatever reason and by whatever means and/or method, of any excerpt ~*known or still unknown*– of the present work for commercial purposes is strictly forbidden without the prior written and signed authorization of the authors named in B and C below. Each person mentioned on the present page holds individual and exclusive copyright on the chapter of which he is the author *(see the respective list of authors below)*.

B. Royalties and Copyright ©Intellectual Property, literary and artistic. Excerpts from the book entitled, *"**At last, Intellectual Property Is Affordable For Everyone!**"* by Mr. Michel Dubois & Co. Pictures *(pages 3 and 4)* by Mr. George Soulban *(Omega Studio – Montreal)*.

C. Booklet made according to the book entitled, *"**At last, Intellectual Property Is Affordable For Everyone!**"* that was completed on November 7, 2003; and Volume II of the book "***Passport for Prosperity!***" *was* published on January 16, 2002. It was printed on January 16, 2004 at *Impression Paragraph, Inc.*, Quebec, Canada. Its review began on May 22, 2004 and corrections ended on October 14, 2004. It was published on the Web on November 14, 2004.

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NB: The use of "he or him" refers to both male and female.

"Invention is the primary initiative of the human mind, that which distinguishes man from beast and allowed him, little by little, to attain dominion over the material world"…

Henri Bergson

"The Intellectual Passport CB certainly is the first strategic and efficient Intellectual Property instrument in agreement with the Universal Declaration of Human Rights."

Montreal, 1999.04.15

Pierre Salinger
Spokesman for J.F. Kennedy
President of the Ethics Committee
of *USD System* Editions

Note to our readers: Our much-lamented friend, Pierre Salinger, has departed this life on October 16, 2004.He leaves us with a significant legacy. On September 16, 1998, he accepted to create and head the Ethics Committee of our Consortium. May his successors assume their responsibilities with the same sense of devotion that was a hallmark of our late President.

What Does The Inventor, The Conceiver, Or Even The Entrepreneur In A SME Absolutely Need?

1. **Worldwide and perpetual ownership of their creations**
   (A sealed fold deposited at Solicitor obtains anteriority for the national level, but confers no property. A deposit of copyright obtains anteriority, but confers no property, if it is not tied to a literary or artistic work).

2. **Secure the preservation of their secrets as long as necessary.**

3. **An original business plan specially adapted to their socio-economic condition.**

4. **A portfolio of contracts adjusted to the commercial development strategy of their project.**

5. **An effective dissuasion weapon to use against technical and commercial espionage.**

6. **A judicial procedure offered at an accessible cost to defend their rights.**

7. **A product and a service that provide all of the above for a price that suits their means.**

8. **Have among their assets the guarantee to use the seven above-stated advantages.**

Read on and you will have the solution!

* * *

"Contribute to the restoration
of that which naturally belongs to each creator;
that is my objective!"

Michel Dubois
1999.04.15

*   *   *

Table of Content

*   *   *

"Science benefits the businessman,
not the true inventor"
Renan

Part 1: Observations

A Devastating Lack Of Humanity Toward The Inventor

or

The inventor has been marginalized by the industrial power for over two centuries

- A distressing World Report -

Millions of Companies are Unjustly Deprived From Intellectual Property

In 20102 according to the W.I.P.O. *(World Intellectual Property Organization)*:

In 2012, filings from all of the companies in the world totaled:	**2,000,000 national patents**
Out of these 2 million national patents, they filed:	**150,000 international patents**
Out of 2 million national patents	
2 thousand multinationals filed approximately:	**580,000 national patents**
of which there were approximately:	**100,000 international patents**
Out of these 2 million national patents	
20 million SME from the industrial sector filed approximately:	**1,420,000 national patents**
of which there were approximately:	**50,000 international patents**

This represents an average of **290** national patents and **50** international patents filed by **multinationals**
This represents an average of **0,071** national patents and **0,025** international patents filed by **S.M.E.**

Question: Why is there such a difference in patent filings between multinationals and S.M.E., when S.M.E. create the most jobs, pay the most income tax, and yet are the greatest source of inventions for multinationals?

Answer: Because S.M.E. do not have the means required to extend patents internationally and defend them worldwide in Courts of Law and because loss of secrets due to patent's mandatory publication is an untimely source of information for competitors.

According to various press media:

"…the costs incurred to extend a patent throughout the world, the oblivion of the 18 months of anteriority preceding a patent's application filing date, the duration and fees associated with any international judicial proceeding, etc…The political willingness to allow the actualization of new projects is, however, weakened by a general climate of distrust, if not rejection, with regards to Intellectual Property in general, and particularly patent."

While thousands of inventors *(scientific and technical)* **within SMEs are the main inventive resource of larger industrial enterprises, they do not have access to a legal tool, which is essential to their negotiation power, enabling them the commercial development of their project.**

SOLUTION

Democratize Access To Intellectual Property And The Innovative Project's Financial Assessment

A Brief History

Even though it was not until the end of the eighteenth century that its principles were legally recognized by written texts, ***Intellectual Property*** has always been a vital part of human life. Since the dawn of civilization, it existed under various forms. For instance, during ancient times, potters started signing their wares *(first known form of trademark)*; later, monarchs granted commercial monopolies to prosperous traders *(the earliest form of patent)*. This form of privilege continued until the advent of the first copyright act (authors' rights) *drafted by Pierre C. de Beaumarchais in 1791) that legally attributing* to the author the exclusive ownership of his/her ***Work of the Mind***.

It is certainly not by chance that the advent of this event *occurred at* the time of the drafting of the U.S. Constitution; *that is to say during the period of the French Revolution and the drafting of the Declaration of Human Rights*. This explains why the first laws governing the Intellectual Property domain ~*notably the Copyright Act*~ were firstly conceived to support the principle of individual liberty/freedom. It is therefore with respect of the recognized right of each person to self liberty that the copyright law relative to the expression of this fundamental ownership of intellectual property was instituted,*(just as a couple gives life to an offspring, the author gives existence to his/her original Work of the Mind).*

Unfortunately, the good principles included in the Declaration of Human Rights were violated by the rising masters of the new age, the first industrial era, whose concealed ambition shad nothing specifically humanitarian. Under their influence, the lawmakers decided arbitrarily to separate original Works of the Mind that are *literary or artistic from other Works of the Mind encompassing technical or technological inventions and service oriented concepts. It was decided to* direct the creators – inventors of technical work toward the commercial exploitation monopoly conferred by a temporary title (against free market competition). These inventors were, therefore, urged to claim temporary and costly monopolistic titles, such as patent that granted temporary ***commercial monopolies.*** *Mean-*while creators of artistic and literary works of the mind retained their exclusivity of production, interpretation and reproduction© **ensuing from their natural** worldwide **property**of their original work. Thus the lawmakers arbitrarily separated original creative literary and artistic works of the mind from other original works of the mind *(i.e. inventions and service-oriented concepts)*.

This is why for more than the past two hundred years, inventors used patents for inventions and were consequently subject to the restrictive obligations and prohibitive patent's costs, meanwhile authors of other artistic creative works of the mind enjoyed their copyright (authorship rights) free of charge. Like most people, neither of them was initiated into the underlying logical and ethical rules upon which the fundamental foundational principles of intellectual property rest. Nonetheless in 1790, France grouped everything together (copyright and patents) for six months under the auspices of a single principle akin to the copyright.

Takeover Of The Politician's Power By The Industrialist

Article 4 of the Paris Convention dated March 20, 1883

Without doubt, we believe that the industrialists of the late 18th century who adhered to the *"three market doctrine"* elaborated by physiocrats *(the principle* initiator of contemporary market deregulation) already foresaw the supremacy of their ability to exert economic pressure on the evolution of the world to come. At that time they realized the irrefutable advantages that copyright (authors' right) would represent for inventors, if a legalized system of dependency was not installed in time to control the flux of intellectual creation, the generator of the innovations, the exploitation of which they wished to appropriate through monopoly. In other words, they wanted to take legally the largest share of wealth to be expected from it.

This is where one measures what separates legitimacy from legality, for the patent law was elaborated according to the unilateral will of the industrialist. This is the law that permits legal granting of temporary industrial and commercial exploitation monopoly of inventions to anyone who has the funds, instead of establishing with full legitimacy a legal uncontestable property act for its genius originator/creator, i.e., in the name of the author of original concept/Work of the Mind.

Thus, the French and American industrialists have already (in the name of individual liberty) dictated to legislators of the time a privilege based law, founded against the principles of free market competition. Such privilege is given by granting access to temporary commercial exploitation monopolies, for publically disclosed inventions, at a cost revealed to be inaccessible to inventors' purse and later to the means of small and medium enterprises. A system of "paradoxical protection," which allowed, for example, a certain ***Thomas Edison*** *to take credit for* many inventions of which he was never an author.

*   *   *

The Inventions' Patent "Protection" Syndrome

If patent (and other titles had been clearly presented to the public as a commercial exploitation title of paramount interest for exploitation by the entrepreneur (at minimum, since it is a commercial exploitation title *and not a property deed which "protects" the inventor), the inventors' situation for* the last *two hundred years would have been different.* It is a safe bet that for that period, the inventors would have been in an advantageous situation eliciting serenity rather than paranoia**.** So, we are better able to understand today under what pressure the legislators organized, *despite themselves (through intervening specialists)* an utter legal and judicial labyrinth. Within such a labyrinth, only the initiated insider can guide his *friend or victim where he believes he should take him to, depending on the vagaries* of his knowledge, spirit and/or his consciousness.

Also to avoid arousing awkward questions by their clients, patent agents are given information about legal treaties, which have been conceived by eminent specialists. The treaties that inoculate surreptitiously and in a piece meal fashion *"**The Pathetic Protection Syndrome's** (terrible ailment affecting pathways to clarity and simplicity, which hits more particularly the inventor who is worried about theft)*. Unfortunately, once stricken by this ambiguity virus, the inventor tends to lose lucidity without which it is impossible to deepen his reflections and ask the associated good questions.

Protection = Mystification

Indeed, when we speak of patent (or any other monopolistic exploitation title), we erroneously equate it with the idea of protection. Even if we have just a beginning suspicion of the perverse effect that can be provoked by the inappropriate use of the noun "protection" or the verb "protect," we are still compelled to note the ease with which employing one of these obscure words can mislead its user. The ambiguity that lurks beneath the word "protection" is such that the **C**anadian **I**ntellectual **P**roperty Office~ ***C.I.P.O. ~*** *(like its counterparts in other countries)* believed dutifully fit to specify in its ***Guide to Patents****(ISBN 0-662 84233-2)*, on the particular meaning that must be given to this word. Let us read the following extract from this astonishing document:

"What does "protection" mean? *Patent Infringement occurs when someone makes, uses or sells your patented invention without your permission in a country that has granted you patent during its term. If you know that your patent has been infringed, you may sue for damages in the appropriate court. The defendant may argue that he did not infringe on a patent, or may <u>attack the validity of your patent</u>. The court will render its judgment largely basing its decision on wording of the claims. It will decide that there is no infringement if the defendant's actions are not within the wording of any of the patent claims, <u>or if the patent is declared invalid for whatever reason</u>.*" **What can invalidate a patent?**

Anteriority Has Legal Strength But Does Not Prove Ownership.
A Work Of The Mind Is the Only Natural Property That Is Enforceable Against Third Parties

Protection = illusion -In order to deny such a statement, an expert would have to prove that the mandatory disclosure required by the patent **title**, as in a drawing *(or model)* shelters the inventor from copiers. This would explain the widespread use of secrecy by all of those who fear the consequences of disclosure. Indeed, if a title of monopolistic commercialization, such as a patent *(which belongs to the State, not to the inventor)*, offers real *"protection,"* it would literally shelter the inventor **"<u>from any court proceeding</u>"** against copiers, As in an act of movable property, the mere production of this title in court is sufficient to preserve the monopoly it grants, a registered drawing (model) would have to be the same; solely in this case would the word *"protection"* make any sense. Alas, everyone is aware of what it costs to feed his defense in a court-of-law and the perverse effect of this word (protection), the abusive and inappropriate use of which had and continue to have no other result than deception. This observation has led the management of USD System International Consortium of Editions to omit from its vocabulary the noun *"protection"* and the verb *"protect"* replacing them with words more appropriate for the claimed terminological precision.

Without Prior Provision of Author's Rights (Copyright) The Patent Title is Unsuited to the Means of The Inventor

- Patent is a contract between the presumed inventor and the public, which is represented by the government of the country where it is registered. The inventor-patentee, consequently, holds a temporary **monopolistic** title *(not an ownership of a property)* for the commercial and industrial exploitation for a determined duration, limited to the country of the registration and extendable to other countries (depending on finances).
- Since a **monopoly** violates the principle of free market, it is granted much like a license on a country per country basis, in exchange for a high cost *(administration + agent fees) + international extension fees + legal and proceeding fees against oppositions + translations fees + tax, etc…)* and the requirements that the title holder complies with several imposed obligations, namely the following:

1. **L*oss of secrecy*** *for the inventor (technical and commercial),as a consequence of* the mandatory publication of the patent **18** months after the initial filing of the patent's application. **AN** *(Author's Note)*: *Such a procedure often discloses the applicant's secrets to his competitors even before the invention and commercialization of the project are marketed. Paradoxically, this delay also prevents the applicant from verifying the technological developments that occurred during the* ***18*** *months prior to the filing of his patent application, thus making the mandatory search for anteriority almost pointless.*

2. **The haphazard international extension of the patent**. **AN:** *The international extension must be made no later than by the end of the* ***12th*** *month following the date of the initial filing of the patent (or within 20 months of the priority date, depending on the applicant's finances). The titleholder is forced to apply the procedure of extension in every country concerned within this very short period and with the risks of having his patent annulled and losing all the money that he invested for this purpose. All of this is because, at the time of the applicant's international extension, the period of* ***18*** *months, which precedes the publication of patents of third parties is not yet expired.*

3. **The applicant has the almost impossible obligation to prove the anteriority of his claims and prove non-prior disclosure of the same by an unknown third party. AN:** *Given the conditions of paragraphs* ***1*** *and* ***2****, producing these two proofs, at the time of registering a patent application falls within the realm of a miracle!*

4. ***The patented invention entails an inventive activity.***

5. ***The patented invention entails industrial application.***

6. ***Full payment of periodic maintenance fees must be made*** in every country where the patent is registered for its entire duration of ***20 years***. **AN**: *Failure to pay even one annuity may lead to the annulment of the patent.*

7. ***Effective commercialization of the product*** for which a patent has been granted. According to law, the patentee who unjustifiably impedes the manufacturing, use or sale of the invention may be deemed to abuse the rights granted by the patent. **AN**: *Such a sanction is perfectly logical, since failure to commercialize one's patent inevitably represents an* ***abuse of one's monopoly at the expense of the economy.*** *Patent being a title granted by the government, its* ***monopoly*** *is a temporary privilege, which allows an enterprise to violate the legal and unquestionable principle of free market.*

8. ***Ineffectiveness of simplified registrations*** such as provisional registrations, requests, etc.

9. ***Ineffectiveness of the Patents*** because of the spectacularly shortened commercial life of some innovations *(e.g. software products that become obsolete before the issuance of the patent)*.

10. **The slowness of the *administrative procedures*** for managing Intellectual Property.

11. ***The rapidity with which Competition*** can counterfeit (*in quasi impunity*) or circumvent the patented invention due to modern communication, industrial espionage, patent disclosure, etc.

To this heavy litany, the following must be added:

1st. The present form of globalization forces the inventor to extend worldwide the national monopoly granted by patent. According to reputable patent agents, a patent costs approximately from **$10,000** to **$20,000 per country** in professional fees *(technical description + defending oneself against opposition, translations, taxes, etc.)* and in registration costs.

Result: ***the costs are unaffordable to most inventors and SMEs.***

2nd. Defending one's patent in a court-of-law *(i.e. patent infringement cases)* requires from **$20,000** to more than ***$200,000*** per country, depending on the legislations and traditions of the country where the infringement takes place. In other words, without having a prior budget of ***$500,000*** to ***$1 million*** per invention, an international patent cannot meet the needs of an inventor or SME, inclusive of his defense needs.

Result: ***the costs make it inaccessible to most inventors and SMEs.***

Conclusion: ***The more the invention is avant-garde (ahead of its time), the more it represents a threat to existing interests, the stronger the issues it raises, the greater the danger of collusion, and the more the idea of protection by disclosure of the patent is an illusion.***

Under such conditions, it is easy to understand why many people opt for secrecy, and why Lloyd's of London refuses to insure patents - based on their expertise, it is a title that elicits litigation. *(See :***www.dkpto.dk***)*.

Between Idea And Invention,
Creation is the Missing Link in Industrial Property.
Its Exclusion From Patent Has Led To 200 Years of Injustice!

The advent and growth of industrialization, more than two centuries ago, engendered a new legal procedure that gave supremacy to the interests in the commercial exploitation of the invention over its own creator and was abusively adapted to the benefit of the industrial world. For this reason, the legislators relegated invention *(from Latin inventio, invenir: to find)* to the rank of mere ***finding*** of a technical or technological procedure with a predominantly industrial vocation. Until the present time, the inventor did not have the appropriate means, adapted to his socio-economic circumstances, to effectively preserve his original rights and their legitimacy in case of grave necessity.

Given this arbitrary policy, the notion of invention was, therefore, stripped of its natural origins, ***the Creation***. This is why it became the object of monopolistic exploitation, called patent by those who conceptualized it. Unable, in such conditions, to demonstrate his authorship position, the inventor is compelled to commit against his will to embark on the industrial and commercial path where he provides the secret; all of which had the effect of severely restraining the economic development of many innovations.

Consequence: With such submissive ties, inventors ended up being subservient to the financial power of industrialists, who are the only ones in position to assume the real costs related to the exploitation of patented invention internationally and/or to the maintenance of a monopoly right before the courts of law in all countries. Under such a system, countless inventions remain unexploited, while inevitably, a growing number of original concepts were and are currently copied by fraudulent means without condemnations. Examples of which are abundant!

A Sealed Fold Deposited At Solicitor Obtains Anteriority For The National Level,
But Confers No Property. A Copyright © Registration Obtains Anteriority,
but Confers No Property, If It Is Not Tied To literary or Artistic Work.
The Danger Of Being Copied Is International!

The Technological Vigil or Economic Intelligence Is a System out of Reach of the Inventor's Means[1]

Given the fierce competition generated by today's globalized markets, where only major enterprises can survive the ensuing commercialization war, one must recognize the naïve illusion of ***"patent protection"*** for what it is and consider the growing importance of ***"secrecy"*** and other complimentary strategies that should be utilized. The temporary monopoly of commercial exploitation granted by utility patent *(or design patent or industrial designs, etc.)*, is subject to the mandatory publication into the ***"catalogue***" of Intellectual Property; that is, the validity of the patent rests upon loss of secrecy of the invention.

The usage that is made of this ***"service catalogue" is called "technology vigil" or "economic intelligence."*** It has played a crucial part in the development of several multinationals and numerous Japanese enterprises that thereby have not paid the cost of research. *"All major enterprises exploited the above formula extensively, first as an exceptional tool for information gathering and internal communication purposes, vigilance and external acquisition, then in national/domestic markets, and finally as a strategic weapon of international conquest. The Catalogue of Intellectual Property is a true showcase of technology provided by the institutes of registration worldwide. As previously mentioned, it is one of the major sources of information that feeds the technology watch/vigilance strategy used efficiently by enterprises and consortiums alike. Large Japanese enterprises spend from 1% to 2% of their gross revenue on this form of technological watch."*

Technological Vigil: The Multinationals' Private Hunting Ground

One can but pity SMEs and inventors who, in order to *"protect" their patent, are forced to divulge their secrets to worldwide networks that diffuse information concerning technical, technological and scientific novelties, as well as business, financial, sociological and political data. "*

Major enterprises are very prompt in using industrial espionage against competing patents. During the process of the inventor having his patent validated, ratified and registered, he is exposed to all forms of covetousness such that these enterprises take the lead by dressing it up to create a new look to the inventor's original patent work. In order to counter some of the dangers of the patent system, the inventor is forced to hire and pay for a specialized representative, a patent agent, for instance, whose specific knowledge and experience can sometimes avoid blunders and even irreparable mistakes that otherwise would almost certainly occur. This technological vigil, which requires constant and careful attention, paves the way for a new type of expertise. : The agents'~~.~~

"tasks are many and varied: indeed, when reviewing patents that are deemed interesting, one needs not only read the technical description of the invention; one must also analyze the administrative and legal systems of the countries in question: agreements between states and/or nations, limits with regards to claims, challenges in court, payment of maintenance fees and forfeitures, licenses granted, etc… One can also investigate the patent holder himself, including his private life, his work (e.g. other patents, publications, career, etc.)... This monitoring and true patent hunting activity are considered essential elements for an enterprise to be in a leading position and, must be planned, budgeted for and managed as such. Experience has shown that this stalking/tracking can enthrall teams of detectives and they can deliver a very cost effective report, if they devote themselves to it. For instance, they may find a better product or process on the market from a competitor or in a document: This finding is a threat, yet, perhaps a new opportunity for the enterprise. With such activity, once the found patent is identified as an obstacle, even if valid, it becomes vulnerable, because with little cunning, it can be circumvented or surpassed. "

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[1] Texts *in italics* are taken from the book: "**Literary Property Generalized To Invention**" by Mr. Michel Dubois and Dominique Daguet, including quotations by Mr. Georges Maire *(French expert on Intellectual Property at the National Institute of Industrial Property, France)*.

Another way to proceed is for the enterprise to do a search. Once a good idea is identified, if one cannot do better than the found patent, then give this patent a minimum if not an appreciable differentiation as a new patent so that it depreciates/devalues the original one, so it may fade away.

"Most Japanese patents are based on the "Kaizen method" (i.e. gradual step by step improvement) and above all on "creative imitation! "… the specialist assists in accomplishing such tactic by using the entire range of technological arsenal uncovered by registration depositories. These depositories, do not hesitate to combine between them all the legal tools, yet keep secretive how they would be used in an offensive and defensive recourse.

The battle against patent of others is most bitter in the advanced leading business segments and may take the following forms:

1) *Through careful vigilance, competing patents are detected upon their publication, permitting prompt triggering of opposition procedure. If this fails to annul the patent, this procedure can delay its final issuing for several years (until it becomes obsolete).*
2) *If the patents of competitors are improvements on earlier patents, they cannot be applied* ***legally*** *without the consent of the original patent holder. So, until 1904, in order to defend its commercial empire, Bell Telephone bought 900 such potentially bothersome patents from potential competitors; many of which remained unused as "dead letters. This is a process of* ***illegal*** *retention, which goes against the intended juridical, legal, commercial and social vocation of patent.*
   What indignant individual disposes of resources to engage in its prosecution*?*
3) *If one has the means, one must enforce one's rights: winning an exemplary trial is sufficient to establish one's reputation and deter competitors from the same domain (Bell Telephone filed 600 trials to defend its two main patents, which on another note were acquired by steeling Antonio Meucci's invention)."* One may conclude this chapter *with the following question:* Which inventor or which small or medium-size enterprise has the means *(finances – power – influence)* to legally protect its utility or design patent?

Patent Serves The Industrialist's Predatory Interests

Reminder: In 1876, an individual named Elisha Grey registered a patent on the same invention as Graham Bell's, two hours after the latter. This circumstance led to a trial between both claimants lasting over a span of three years, to finally grant anteriority to Graham Bell. A trial that should never have taken place given Antonio Meucci's temporary patent application filed in December1871 for the same invention. Unfortunately, Antonio Meucci was not recognized as the inventor of the telephone **for lack of money.** Later, in 1887, American authorities attempted to annul the patent granted to Bell in a fraud trial. **One hundred and twenty-six years** later, the American House of Representatives felt compelled to reveal the historical truth by restoring to the genuine author the paternity of his creation. Regrettably, such recognition will never restore Antonio Meucci's descendants to even a mere fragment of the fortune amassed by Bell's family. **Author's Note:** By comparison**,** in 1987, Professor Luc Montagnier's authorship right *(copyright on the discovery of the AIDS virus via his article published in the "Science" magazine)* invalidated Professor Robert Gallo's American paten *(filled three months later on the same discovery)*, and this *(without a need to annul the patent)*. Prof. Montagnier received the Nobel Prize for this discovery 25 years later. So Antonio Meucci could have done the same against Bell if he, at the time, had received an informed advice on such authorship right strategy.

With regard to means (*(finances – power – influence*), as with some trials and/or confrontations that occurred between several inventors such as ~ *Augustin Le Prince, Charles Cros, Nikola Tesla*~ and their predator Thomas Edison, Antonio Meucci's unfortunate experience only benefited Graham Bell, the one who, we must remember, had the means until 1904 to purchase 900 patents and file 600 trials to defend his two main patents.

What inventor or SME can do the same?

Legal Limits of Copyright According to American and Canadian Laws

"Nothing so needs reforming as other people's habits." **Mark Twain**

The Laws

US Copyright Act § 102 b) (US Code, Title 17)
"In no case does copyright protection for an original work of authorship extend * to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work".

Article 64 of the Canada Copyright Act:
"Where copyright subsists in a design applied to a useful article or in an artistic work from which the design is derived and, by or under the authority of any person who owns the copyright in Canada or who owns the copyright elsewhere:(a) the article is reproduced in a quantity of more than fifty, or; (b) where the article is a plate, engraving or cast, the article is used for producing more than fifty useful articles, it shall not thereafter be an infringement of the copyright or the moral rights for anyone; (c)to reproduce the design of the article or a design not differing substantially from the design of the article by: (i) making the article, or; (ii) making a drawing or other reproduction in any material form of the article, or; (d) to do with an article, drawing or reproduction that is made as described in paragraph(c) anything that the owner of the copyright has the sole right to do with the design or artistic work in which the copyright subsists."

Article 64.1 of the Canada Copyright Act:
"The following acts do not constitute an infringement of the copyright or moral rights in a work: (a) applying to a useful article features that are dictated solely by a utilitarian function of the article; (b) by reference solely to a useful article, making a drawing or other reproduction in any material form of any features of the article that are dictated solely by a utilitarian function of the article etc…"

Explanations of Michel Dubois

Comment: **In no case does copyright protection … **extend****. This means that the exclusive right to reproduce © does not apply to an *idea, … etc., or a discovery* resulting from the application of the work in 3 dimensions. Given that the property of the work being non-transferable and indivisible *(see page 29),* the right of its reproduction in 2 dimensions © remains under the author's authority (full Manifesto reading is a must for full explanation)

Comments: The right to reproduce a drawing applied to a utilitarian article (object) is subject to: ***"the title-holder's authorization"*** (15th to 18th lines, left column):
- 2nd to 4th lines, according to the principle of unity of art, a Work of Art is indivisible. It is not permitted to make a drawing based on all or part of such a work.
- 12th and 13th lines concern its graphic or material reproduction; i.e. the article. Not the drawing.
- 5th to 8th lines, producing more than fifty copies of a utilitarian article represented in an artistic drawing does not remove the property of the work from its author. Legally, this property is non-transferable, inalienable and permanent.

Utilitarian: according to Hypertext Webster: Utilitarian means what is useful, employed, may be beneficial, advantageous, meets a need. How could a Work of Art be useless or not fulfill a useful purpose or satisfy a need?

Comment: This text deals strictly with utilitarian articles (object) and utilitarian functions. W*hat must be understood* in this regard is addressed above. What is written in a) does not apply to the work. Only the features of a utilitarian article. What is written in b) applies solely to a graphic reproduction based on a utilitarian article and not the reverse.

Moreover, much like the American Law, the internal laws of Nations and the International Copyright Conventions, the Canadian Law takes no account of literary texts *which are not subject to the so-called characteristics of drawings and,* are inextricably linked (inseparable, indivisible) non–dissociable from its set of artistic drawings, as a whole, (together), they constitute the description of an invention, a process, a system, a utilitarian object (article), a method of operation, a concept, a principle, etc.

Final comment: according to the internal laws of Nations and the International Copyright Conventions, reproducing all or part of the original work produced through audiovisuals support (e.g. film, video, photo, CD, DVD, etc.) without the co-authors' authorization is a criminal act.

“Justice is freedom put into action.”
Joubert

Part 2: Analyses

"The Natural Law"

Model to Follow In Order to Restore The Inventor’s Rights

or

How to Give Back to the Inventor His Rightful Place As a Creator?

The confused and imprecise manner in which certain Laws are written often leads to erroneous interpretations

As one can easily observe from page **18**'s content, the Laws governing copyright are written in spite of the universal principle of unity of art *(see page 29),* which leads the reader to believe that:

1st - there is but a mere dividing line between what is artistic and what is utilitarian; as if the inventor that lived in Leonardo da Vinci could be dissociated from the artistic creator;

2nd - a work of art could be compared to a puzzle from which a few pieces could be removed from the whole.

By Shifting From Using An Official Title to Private Property, The Inventor, Reinstated As the Creator, Shifts From Monopoly to Exclusive Rights

According to the International Copyright Conventions and the internal laws of Nations, copyright is said to *"protect"* the expression of the idea and not the idea itself. In the same manner, Patent *"protects"* the **materialized** idea, not the idea itself. The same is true for the secret, as long as it is not recorded in a movable appropriable "seizable" personal property.

Why? Because the idea itself is immaterial (intangible).It is only when the original idea is put into concrete material form that its expression becomes alive. In the same manner, it is through the expression of his work *(his creation)* that the author expresses his idea. It is the materiality of the work that renders it appropriable (seizable). In order to become its author's "**property,**" according to the Copyright International Conventions and Internal Laws of Nations, the work must comply with the criteria corresponding to "**Works of the Mind**." In other words, it must be created applying the technical rules inherent to a recognized art: literary or artistic, for example **"The expression of the idea is intrinsic to the author's work**!"

It is the **ownership** of the work that provides "**copyright**." Namely, the **exclusive right to enjoy** a private property - a right that forbids third parties to produce, interpret or reproduce© all or part of the work for commercial purposes without the owner's authorization.

How could a third-party entrepreneur have his personnel make a mold, fashion a part, disseminate mode of employment, a user guide, a manual or a methodology, etc., for commercial purposes without reproducing all or part of the work that they express? How could he legally distribute *(by copy)* the description of the invention contained in the work throughout his offices and workshops without the author's expressed authorization? How could he legally reproduce or interpret the expression of the work in a utility or a design patent ~*in other words*~ how could he commercially exploit the original idea, which the author has included in his literary and/or artistic creation, without violating copyright?

A Few Examples of Copyright's Victory In Cases Involving Inventions

Starting in the 1930s, the Court of Cassation *(French Supreme Court)* ruled on several occasions that: artistic protection must be granted for any drawing or model, even industrial ones *(**Crim. March 30, 1938, Cassation of 02/27/57, 12/8/59, 03/16/62, 01/21/76, 01/16/87**)*. In addition to the many trials won by the Walt Disney Company against several copiers, and the case of Montagnier against Gallo (referred to on page 16) the Federal Court of Appeal of the United States of America's Courts rendered a ruling in favor of the Professors of the University of Colorado's copyright against a patent registered by a multinational (**N° 97-1468,98-113 Nov. 19, 1999**). Finally, the Court of Appeal of Lyons *(France)* invalidated design patent **N°974631** registered by NIPI on July 31, 1997, for lack of novelty in favor of French inventor Pierre Aguesse's copyright *(resulting from a single page (out of 400) of a work included in an unpublished sample book from the intellectual passport omnibus)* *(**Court of Appeal of Lyons, France – judgment of May 27, 2004 – R.G. 03/06633**)*.

What Does the Inventor, the Conceiver, Or Even the Entrepreneur In a SME Need?

1. **Worldwide and perpetual ownership of their creations**
   (A sealed fold deposited at Solicitor obtains anteriority for the national level, but confers no property. A deposit of copyright obtains anteriority, but confers no property, if it is not tied to a literary or artistic work).
2. **Secure the preservation of their secrets as long as necessary.**
3. **An original business plan specially adapted to their socio-economic condition.**
4. **A portfolio of contracts adjusted to the economic development strategy of their project.**
5. **An effective dissuasion weapon to use against technical and commercial espionage.**
6. **A judicial procedure offered at an accessible cost to defend their rights.**
7. **A product and a service that provide all of the above for a price that suits their means.**
8. **Have among their assets the guarantee to use the seven above-stated advantages.**

By answering these eight points positively, the realization of a **Book** from the Intellectual Passport Omnibus *(presented hereafter on page 24)* presently seems to be the ideal instrument to establish the Inventors, conceivers and entrepreneurs in SME's international property, preserve their secrets and commercialize their project, whether it be technical, technological, scientific, craft-oriented or trade, and whether it concerns the industry, services or arts. So far, very few are those who grasp the essence of Intellectual Property rights law. Even judges from all countries render their fateful rulings based on inaccurate appraisal *(given the disparity of interpretations given to them)*, drawing the most contradictory jurisprudences. The inventor needs to defend himself in order to supposedly be "*protected"* instead of recognizing the invention as a legitimate property *(a property, not a title)* so that **the** defense can be effectively prepared. It is this very recognition that constitutes one of the appropriate defense weapons, the other being essentially the bank account (financial means).

Fortunately, the chance of the wealthy, which always seems to turn to his advantage, is still limited to preservation of the constitutional right to individual freedom, without which the history of humanity would only be left with a horizon overlooking a vast despair. This is what justifies the existence of the USD System International Consortium of Editions that liberalizes access to Intellectual Property. **Worthy** of mention is that in case of a trial, the burden of proof falls back on the patented inventor, while with copyright, this one falls on the copier.

Recourse To An Unalterable Legal Model: Natural Law!

Much like the law of gravity, ***the rules governing Intellectual Property are based on the principle of anteriority***; namely, on the natural order in which things occur and develop. According to such **a** model, intuition precedes: **1° - *creation*** *(birth of a Work of the Mind)* which in turn generates: **2° - *invention*** ensuing *from creation (discovering a previously unknown method)*, resulting in: **3° -*innovation*** *(commercialization of an innovative product).* This principle of chronological sequential organization is found notably in the world of business: ***conceptual design – production – commerce***, as well as in the parental genealogy, etc. It is, consequently, in reference to the natural chronological sequence: **anteriority → present → posteriority;** based on the initial anteriority preponderance *(evolution and progress generator)* that the missing link in the chain of laws related to Intellectual Property was conceived and baptized using the symbolic and idiomatic name: **I**ntellectual **P**assport **CB** (**CB** or I**ND**).

Respecting the Order: Creation➢ Invention ➢ Innovation. This Is Our Motto!

A **Book** from the Intellectual Passport Omnibus *(this editing instrument conforms to the law)* responds positively as much to the preservation of collective freedom insistently defended by Europeans as to the guarantee of the individual's freedom persistently sought by Americans. Given the hope that such an initiative already attracted inventors, originators/conceivers and entrepreneurs of all disciplines, nothing should prevent this innovation from fulfilling what is to be accomplished peacefully, *the affirmation of humankind's material rule in the world*, as the philosopher Henri Bergson stated in glorifying that ***"invention"*** is *" the essential initiative of the human mind.*

About defensive publication

A text published by pi_france on September 13, 2011: "*A defensive publication is a simple and cost-effective alternative to filing a patent"*… So states Charles Besson, General Manager of Questel… "*and notably in sectors where technology evolves quickly, such a path might prove more profitable"*…

"A defensive publication consists of freely publishing an invention that one does not want to patent, in order to prevent anyone from patenting it by creating an anteriority", as Piers Mason, CEO of KMP, explains…

…A world-leader in business intelligence services for Intellectual Property since the 1970s, Questel encourages enterprises to develop their innovations and competitiveness and assists its directors, researchers and specialists in adding market value to personal properties and patent portfolios. Questel has built Fampat, a comprehensive worldwide family patent database available via its portal at Orbit.com, that provides services such as consulting, analysis, mapping, ordering and publishing the results of its research… Since 2007, Questel is supported by a private investment fund company called Syntegra Capital…

For more information, please visit **www.questel.com** .

End of quotation.

Comment: The Questel commercialization of the "**defensive publication**" *(a strategy consistently used by other organizations)* is an initiative deemed important to make public… Nevertheless, this strategy does not provide the inventor with the minimal means that he needs:

- business plan specifically adjusted to his personal condition, a set of contracts meeting his project's business strategy, an efficient dissuasion tool against technical and commercial espionage, granting him ownership of property on his creation nor, of course, preserving his secret.

*“Societies are like men,
they cannot grow without challenges.”*
Jean-Jacques Servan-Schreiber

Part 3: Solution

The USD System International Consortium of Editions’ Challenge

Namely,

The Creation of an Innovative System of Private Services That Meets in Perfect Legality The Essential Needs of The Inventor, Conceiver and Entrepreneur.

- The Intellectual Passport (CB or IND) Omnibus Volume -
A New Solution Upstream of Patent

1. What is a Book from the *Intellectual Passport* (*CB* or *IND*) *Omnibus*?

It is a literary and artistic work of more than 400 pages *(even 1000 and more)* that naturally provides authors of patentable inventions or unpatentable concepts *(services, business, etc.)* with **the only true existing Intellectual Property**: ownership of a ***Work of the Mind;*** a worldwide property comprising an original business forecast as well as a portfolio of corresponding contracts.

Unlike the lengthy delays needed to prepare a patent *(given its constitutional rigidness)*, the **Book**, which can be modified according to one's wishes, **must be produced as quickly as possible**, as soon as the innovative idea is conceived, in its broadest eclectic range of applications.

With an unmatched quality/price ratio, this **Book** is the first instrument of Intellectual Property that provides the following for approximately the same cost as a national patent.

- Worldwide and permanent ownership on the description of the author's creation
- A legally valid means of maintaining secrecy *(for commercial concepts or products)*
- An original business forecast, aka ICBF, suitable for the targeted international market
- A set of international contracts in line with each client's business strategy.

This **Book** is made up of three parts:

Part 1:
- The author's biography and proofs of his identity
- The description of the invention or concept
- The foundations of Intellectual Property
- Alternative strategies against copiers.

Part 2: *(without additional cost)*
- Assessment of the market to capture
- Strategy to capture the market according to the distribution of rights principle *(Francession)*
- Triennial forecast on the benefits to be earned by each specialist participating in the innovation (distributor, retailer, manufacturer, importer, etc.).

Part 3: *(without additional cost)*
- A portfolio of international contracts specifically adapted to the strategy included in Part 2
- Copyright that covers the expression of the idea contained in the work with its certificate of guarantee.

If a third party illegally copies the author's concept or invention *(or reproduces it in good faith)*, the ***USD System*** Editions offer, at an affordable cost, a business strategy that allows the client to negotiate *(if necessary, through his attorneys)* an out-of-court settlement.

Works of the Mind** are classified as human creations fashioned following artistic techniques. For such a work to provide its author with a derived specific and exclusive "*copyright*", it must first truly be literary or artistic; that is why it must be done following the rules and techniques that govern a recognized art. It is only by respecting these two criteria ~ *originality and mastered artistic technique* ~ that the author of the work can render its expression accessible to the understanding of the interpreter, reader or public, and that his legal situation enables him to prove to third parties the legitimacy of his Intellectual Property. Even if it contains texts and drawings, the patent *(e.g. registered drawing or model)* does not provide any copyright to its holder. It does not suffice, therefore, to write sentences and draw shapes to be an author of a work of art, even less of a ***Work of the Mind.

2. From what legal principles was this original Omnibus *con*ceived?

According to the documents published by the Registration Institutes and Offices as well as the two International Copyright Conventions, it is internationally recognized that: **1)** any ***Work of the Mind*** is the natural, hence worldwide property of its author *(property that can be used legally against a commercial monopolistic title subsequently registered by a third party)*; **2)** this ***property is unassignable, inalienable***, thus perpetual; the resulting commercial rights *(see page 29)*;–***"copyright and royalties"*** *(recognized by the 193 Nations of the UN)* – grant the owner of such a work an ***international exclusive right*** to produce, reproduce © and interpret all or part of his work.

The exclusive right to enjoy a private property is legally stronger *(both nationally and internationally)* than **the commercial monopoly** granted by an official title! It is the natural possession of a private property by its owner. Copying ~*knowingly or in good faith and for business purpose* ~ all or part of the expression of the idea included in the author's work is illegal by virtue of copyright law, since it is tantamount to theft.

Although it seems that ***plagiarism*** has been arbitrarily excluded as a major offense from the usual list of all sorts of allegations for various reasons, it seems, nonetheless, essential for an author whose creative work is stolen and copied to start by proving the plagiarist's wrongful intent in a court-of-law. This strategy should compel the judge to assess the transgression on the ***property of the author*** prior to any other consideration. Indeed, if it is sometimes accepted that infringement can be relative to copyright violation, it is implied that plagiarism is relative to ***theft or vandalism of private*** property. Such theft or vandalism is condemned by the constitution and laws of all democratic countries, as well as by article 17 of the Universal Declaration of Human Rights, which states that, *"No one shall be arbitrarily deprived of his property".*

Reminder: "Counterfeiting is reproducing by imitation…imitating fraudulently; while plagiarism is defined as "the act of taking someone's words or ideas as if they were your own" – both imply fraudulent imitation. Counterfeiting is thus attributed to a person who signs all or part of a copied or reproduced work using the name of its true author, while a plagiarist signs it with his own name. It is, therefore, a real imposture, or impersonation, one that constitutes **a criminal act.**

This puts in evidence the logical preponderance of ***theft through imposture*** by plagiarism over ***fraudulent commercial exploitation*** by counterfeiting. The lawyer, who follows the usual procedure of civil law to defend an author robbed, only manages to invoke assault on moral rights, which is weakly punished by the law although expensive for the victim. We can see what is behind this procedure is not a deterrent for large-scale offenders. Yet, by invoking the imposture crime, the inventor can obtain justice at a lower cost, but must have adequate means such as those inherent in the criminal law. To get there, however, we must recognize that the monopolistic title has always denied the inventor the property of his creation.

What is the Law Supposed to Serve, if Not Justice ?

If, against common sense, it was necessary, until now, to resign to pleading copyright infringement to defend plagiarism of one's legitimate property, from now on, it is imperative to present to the judge the elements *(considering the law on the Penal Code and* the terms of his country's constitution on the law governing private property) that can restore **plagiarism** toits legal place. Therefore, in addition to **theft**, plagiarism must be recognized as a **punishable crime by law which** seems suitable to name it, **"Imposture* Crime For Identity Theft."** Based on notions found in the penal code, **unwarranted profits through imposture*** must also allow the author to claim damages proportionate to his natural property, in accordance with principles of civil or non-penal common law.

Such is the path traced by the Federal Court of Appeal of the United States of America on **11/1999** and the French Court of Appeal of Lyon on **05/27/04**.

* ***USD-System*** **Editions** *avails to its clientele a procedure guide to that effect.*

3. How Much Does the *Intellectual Passport CB* Cost?

$9,900 *(fashioning the product)* + **$15,000** *(editing costs and consultant's fees, with a possibility of fiscal recovery in some countries).*

According to experts:

- Its basic cost for a **worldwide** right can be estimated at **$24,900** *(editing costs and consultant fees, with possible fiscal deductions in certain countries).*
- Given that in copyright matters, the burden of proof falls on the copier, his legal defense in a case of plagiarism or infringement requires a basic investment of approximately $20,000 to $30,000 per country.
- With an initial budget of less than $100,000 *(ten times less expensive than a patent),* the collection of books, ***Intellectual Passport CB,*** corresponds excellently to providing the author of the content with his worldwide property on his creation.

4. State-controlled organizations should support the Intellectual Passport Omnibus!

Much like the National Constitution, civil and penal codes, as well as article 27 of the Universal Declaration of Human Rights, State-controlled organizations must, as their first duty ~ *as part of their governmental assignment* ~ preserve public interest. Accordingly, they must tend to the inventor's social position; from the smallest to the biggest. Consequently, they must first and foremost ensure that his moral and material interests are preserved. To this end, let us see what this original Omnibus brings to the author of an original concept *(patentable or unpatentable)* as a potential progress over patent.

1st. It opens the door onto Intellectual Property, as much to authors of original patentable **or unpatentable** concepts as to individuals with modest means.
2nd. It identifies, more formally than any other title *(utility or design patent, etc.),* the true author of the concept.
3rd. It creates, through the possibility of sharing the work as co-authors *(joint property)* new types of alliances between *employee* and *employer* that efficiently prevent commercial and industrial espionage, as well as turncoats.
4th. Since it is not published, it preserves the author's secrets for as long as necessary, either prior to disclosing his commercial project, <u>or while waiting for a patent or other title *(drawing, model, etc.)*</u>.

Given the period of <u>**secrecy**</u> before the registration of a patent (or other title), the author's (authors') ownership of his (their) concept is preserved internationally through the <u>unpublished **Book**</u>; thus the quality of interrelations between *"employee - employer"* and/or *"inventor- investor"* is improved to everyone's benefit.

<u>**Comment**</u>: The systematic publication of the **Book** would methodically lead to the extermination of the patent and every other official title on the planet. If, for whatever reason and under whoever's pressure, the *USD System Consortium* was forced to do so, each publication would become a disclosed anteriority, therefore, legally preventing *(nationally and internationally)* patents and other official titles delivered by State-controlled Institutes and Offices from surviving. This is why it was so important that the ownership of an unpublished work be recognized as legally valid by the Court of Appeal of Lyons. There is an unquestionable precedent. In order to prevent American laboratory Monsanto from registering patents on the active principle of some tropical plants, the NIAR *(**N**ational **I**nstitute of **A**gricultural **R**esearch)* has systematically published the plants' active principle, which it discovered first. Recently, the Euro-Deputies' refusal to patent software, is it is not also a sign of the times.?

Preserving Secret Maintains Patent's Usage

A Genuine “Conscious Natural” Movement Promoting Humankind’s Grey Matter

From an economic premise:

Today, the USD System International Consortium of Editions’ data bank of innovations already is comprised of prestigious creations. These cover a wide spectrum of realms, from high technology ~ *related to the treatment of pollution* ~ and new sources of energy, to pharmaceutical, technical, craft and a plethora of services.

The **Book**, with its **I.C.B.F***(original business plan)* and related **Portfolio of Contracts** provides the author of any innovative concept *(patentable or unpatentable)* with the instrument that hitherto had been lacking, as much to give him direct access to ownership of property of his creation worldwide, as to contact potential investors with peace of mind. That is to say, an entrepreneur can afford *(if he deems it useful)* to register and legally defend an international patent, with the inventor’s total support.

From a legal premise:

Much like Michel Dubois’ lectures and texts, the renowned Masters of Intellectual Property unconditionally support the principle of preponderant anteriority. His statements have never received contradictory criticisms, even from some of the best-known European Intellectual Property icons who met him after reading his books. Notably, in 1992, **Mr. Antoine Braun** *(Belgian lawyer and renowned authority on designs and models)*, the late **Professor Albert Chavanne** *(author of the Dalloz Precis on Industrial Property, former President of the Committee for the Drafting of the French Penal Code)*, **Mr. Jean Foyer** *(Dean of the Academy of Sciences in Paris, former Keeper of Seals under General de Gaulle, former President of the Committee for the Drafting of the French Civil Code and co-founder of the World Intellectual Property Organization).*Recently, Pierre Aguesse *(holder of a prototype of an Intellectual Passport CB)* won both in first instance and in the Court of Appeal of Lyons (on 05/27/04), against the company Jeantet and Jacques Brisson*(holder of a model registered by the National Institute of Industrial Property)*. One of the lawyers hired by Brisson, **Mr. Jacques Azéma** *(eminent specialist on the subject),* never questioned the legal validity of the author’s anteriority on a literary and artistic work over the subsequent registration of an official title by a third party.

From a philosophical premise:

Mankind’s raw matter is brain power. Human works, inherent to every factor of progress that it generates, require a simplified version of application procedures of the law in order to allow universal access to Intellectual Property *(article 27 of the Universal Declaration of Human Rights)*. Providing each author of an invention or marketable concept with free access to the ownership of his initial creation is fair and necessary for private, as well as collective interests.

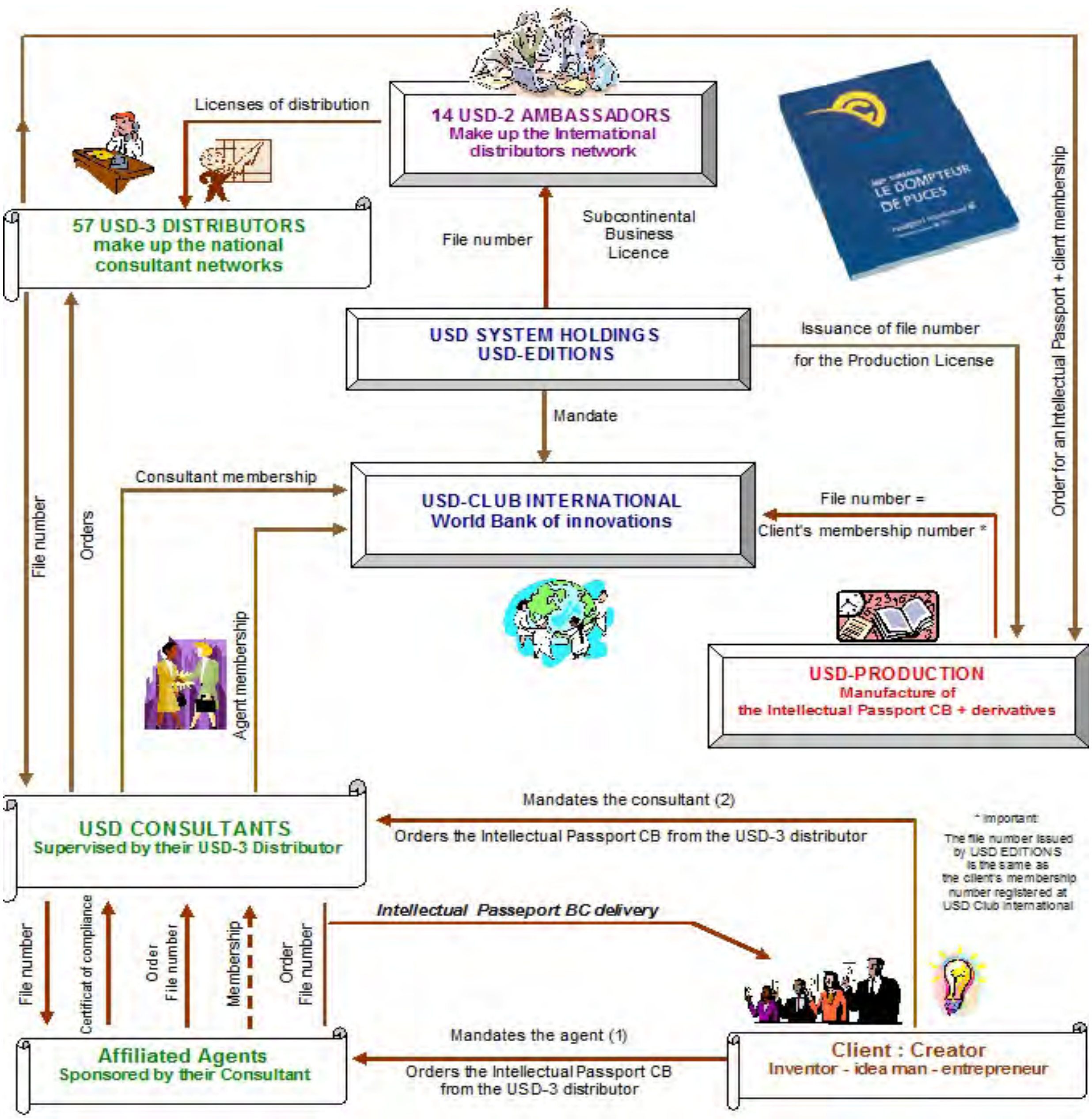
Social-cultural progress, resulting from the use of the *Intellectual Passport C.B.* implies true mentality emancipation in regards to the application of new legal procedures that could be referred to as: “a **Conscious natural intellectual movement**”

By joining all of the pioneers who already sustain the beginning of the evolutionary change through this newcomer in Intellectual Property, each individual concerned by innovation will, at last, be able to implement a new business model that respects the cultural conditions of the twenty-first century.

From medicine for wellbeing to equity based justice for all:

Much like alternate medicine, which gradually helped traditional medicine to replace many treatments with more flexible and natural healing processes, it seems that law must sooner or later follow a similar path towards greater justice. Such an outcome only seems logical.

Beneficial to lawyers and laymen alike, such a legal system should ensure moral and material welfare in an equitable world where, at last, cultural diversity and business will grow hand-in-hand; in other words, in a society based on legal principle that serves the interests of justice for the well-being of everyone.



Organisational diagram of the International Consortium of Editions USD

Unity of Art

An Artistic or literary creation (work) is not a puzzle From which a few pieces could be detached from the whole

Reminder: According to the Constitutional Law of any democratic Nation, no one can arbitrarily be denied his property*(Article 17 of the Universal Declaration of Human Rights)*.

According to the International Conventions and the internal Laws of Nations concerning copyright, an original literary or artistic work, a.k.a. a Work of the Mind, is its author's property by the mere fact that it was created by him. It is a free, non-transferable, inalienable and permanent property, recognized by the 193 members of the U.N.*(see the W.I.P.O.).* The copyright and royalties resulting from such a work are transferable and contractually transmissible for the life of the author and 70 years after his passing.

Much like paternity and maternity naturally resulting from pro-creation, property – *naturally resulting from its author's literary or artistic creation* – is legal and does not require publication. Much like the unity of an offspring's body, the Work of the Mind is an indivisible whole. Removing part of such a work would damage its unity by altering its nature.

Given its indivisibility, each part of a Work of the Mind naturally is an un-dissociable (inseparable) whole. This is called: **Unity of art**.

Contrarily to the foregoing, **patent** is not a property! It is a commercial title with an industrial function granted nationally and for a period of time, which can be extended internationally and must be published. It is delivered by the State on condition that one pays the costs of its registration, translation, international extension and defense *(is case of litigation)*. Given its monopolistic function *(unlike free market)*, it is subject to international restrictions. First and foremost, patent depends on one's financial means!!!

Copyright Law Is Different Than Patent Law

The explanations provided by many lawyers *(i.e. legal experts)* are often derived from a confusion between the two above mentioned Laws which are used for propaganda purposes in order to prevent, at all cost, any claim for copyright prior to the filing of a patent application. Easy to assimilate, these propaganda statements become among those uninitiated to the founding philosophy of the law, incontrovertible facts for which any demonstration of further proof seems useless.

Reason For This Manifesto

By directly advising someone to file a patent application, without previously taking care to formalize: ***1)*** *the author's identity;* ***2)*** *the universal property of his creation that heretofore has remained secret;* ***3)*** *the business forecast of his project,* the inventor, devoid of any evidence to defend his rights, does not have the means to safely negotiate his rights with third parties who might be interested in filing a patent, in addition to technically and commercially develop the ensuing innovation.

The thousands of inventors *(millions in the world)*, victims each year of the disinformation that, in most cases, inevitably results in the loss of their rights or renunciation of their project, must, from now on, know that there is a way to succeed.

It is because legally, **the unity of art** establishes the property right on all or part of a Work of the Mind that also personally guarantee to anyone who acquires a book from the ***Intellectual Passport*** collection legally well-founded purchase.

In case of international litigation, the rules of **I**nternational **C**onventions on **C**opyright and the **W**orld **B**usiness **O**rganization *(WBO)* supplant the internal Laws of Nations that have adhered to such Conventions and Organization. The **W**orld **I**ntellectual **P**roperty **O**rganization's *(WIPO)* **Arbitration** and **M**ediation **C**enter *(AMC)* can be sought in case of litigation.

* * *

* **In Intellectual Property matters:** the internal Laws of Nations are sovereign whenever there is a litigation between two adversaries residing in the same Nation. However, nothing stops the two parties, if they so wish, to ask for an international judgment by the W.I.P.O's Arbitration and Mediation Center *(AMC)*… In litigation opposing two parties residing in different Nations, they can *(as the case may be)* ask for a judgment from one of the two Nations. The ensuing judgment will be enforceable only in the Nation where it was rendered *(with a few restrictions in the Nation of the condemned party)*. Nevertheless, nothing prevents the two parties, if they so wish, from asking a judgment by the W.I.P.O.'s international Arbitration and Mediation Center *(AMC)*. In principle, in North America, one can always appeal a National *(or Provincial)* judgment on a Federal level, much like before the European Union's Courts. However, be it as it may, nothing prevents the two parties, if they so wish, to ask for a judgment by the W.I.P.O.'s international Arbitration and Mediation Center *(AMC)*.

Pierre Salinger and Michel Dubois
15 April 1999
At the inauguration of the Intellectual Passport Omnibus Volumes

*"**Patent** or any other official monopolistic title
does not forbid third parties to copy the description(texts and drawings)
of the invention, but it forbids them to commercialize it (monopoly)…"*

*"**Copyright** forbids third parties to copy the description
(texts and drawings)of the invention or original concept * for
commercial purposes; namely to actualise it (exclusive right)."*

Notice to the reader

With regards to the text of the present publication:

*The author of the present publication aims first and foremost to **liberalize access to intellectual property by making it more affordable to the general public** and to distribute its benefits equitably among people, in consideration of their material or moral interests, in accordance with articles 1, 17, 22 and 27 of the Universal Declaration of Human Rights.*

This published work is the result of its author's research and analysis, as well as a logical and ethical approach used to formulate the criteria that validate a Work of the Mind, based on principles established by the Berne Convention and the Universal Copyright Convention.

The information contained in this publication is for guidance purpose only, and should not be quoted or interpreted as legislative texts (law). This is in accordance with the official statements of the Intellectual Property institutes and offices in all countries (that they are released from liability for mi use of their publications). All or part of the present work can become obsolete at any time, without prior notice. Notwithstanding the foregoing, the works contained in a book from the collection "Intellectual Passport CB" remain the property of the author and that, under natural law and its legislative application. The legal foundation of this work can be found in the laws governing utility patents, design patents (industrial designs and/or models), trademarks and copyright, the regulations related thereto, as well as the judicial interpretation of such texts by tribunals.

In order to add market value to their products or services, the *USD-System* Editions recommend that their clients also register trademarks.

* * *

www.sosinvention.com