

An essential question relating to the Intellectual Passport CB's non-publication



Question: Can secrecy hinder research and development?

- a) What systems are currently used to preserve secrecy?
What rights do they provide?... What are their limits?
- b) Is there a difference between such secrets and those included in the Intellectual Passport CB?

Answers: It seems that secrecy does not hinder investments in research and development; quite the contrary. It is a matter of common knowledge that all of the laboratories, institutes and engineering services, etc. use **secrecy** on a daily basis as a primary means of ensuring safety, as much prior to the filing of a patent (*or other title*) than to take an innovation's market by surprise.

1 – With a **utility patent**, the incubation time of a serious research on a discovery requires the highest level of confidentiality... Why? Because prior to filing a patent application, researchers from all disciplines must, as a legitimate prudence, protect their findings by placing its description in a sealed envelope at a notary's or bailiff's office, or any State-owned organization that can guarantee its non-disclosure. Since any proof of anteriority can be used against the subsequent delivery of a patent (*or another title*) to a third party, these new findings can, therefore, constitute such anteriorities. Nevertheless, even if this is the case, such anteriorities are not an intellectual property that can be used to stop a third party from eventually producing and commercializing the same invention.

2 – Utility patent also includes a period of **secrecy**, namely, the eighteen months following the date of its application filing. During that period, it is impossible for third parties (*new applicants*) to verify anteriorities (*related to other third parties' previous patent applications*) that could prevent them from obtaining a patent for the same invention later. Appended to the secrecy period resulting from registered sealed envelopes, this eighteen-month period allows certain secrets to be maintained for several years, without any objection from anyone, either in the industrial or the institutional world... Thus, a patent application requiring enormous investments can be lost forever.

3 – An Intellectual Passport CB provides several other advantages than just a sealed envelope. In addition to the **technical secret**, it also retains the **secret of the author's personalized market investigation**, its related **business strategy**, as well as technical and business **instructions**. The **proof of anteriority** of the creation is therein inherent to the author through his background, along with his **formal identification**. Moreover, its literary and artistic nature allows the author to establish ownership of his work... Meaning that it is the only true intellectual property that exists in the world: non transferable and inalienable property of a work of the mind (*much like a driver's license, a patent is a State-granted title, not a property*). **Copyright** results solely from such a property. It is valid throughout the world for the author's entire life + 70 years after his death. It is **assignable and licensable**, as well as usable against third parties who perforce must copy © all or part of the **description included in the work** in order to produce and commercialize the innovation resulting from its production and sale... The **Intellectual Passport CB** is guaranteed by the USD System editor. Finally, incurring minor additional fees, it is modifiable at will (*without any time limit*) so that subsequent improvements can be inserted.