Notes on PTC Progress

A Proposal—Legal Periodical Abstracting and Computer Retrieval

The Law Center is embarking on a program with computer research staff at M.I.T., library experts at other law schools, and an information-processing company to explore areas of computer access to legal materials, apart from reported court decisions, for ready use by practicing bar and bench.

The generally poor retrieval systems available for research in legal periodicals, coupled with time and financial limitations upon the practicing lawyer, have resulted in minimal usage of these important sources of information in research, briefing, and decision-making. As a new law school, Franklin Pierce Law Center, with its PTC research arm, is in a particularly flexible and advantageous position to develop new library and information retrieval concepts that would not be feasible for institutions committed to particular library formats and programs.

Underlying the retrieval concept is the need to provide abstracts in legal journals, periodicals and other secondary materials—a custom now well established in the physical sciences and engineering. It is apparent, however, that the types of abstracts used in other fields do not fit the needs of the practicing lawyer dealing with practical problems of law and decision-making. For example, case and statute references are important to the legal profession for use in connection with secondary materials, just as they are essential in the use of primary materials (*i.e.*, court decisions). Perhaps "words and phrases," as well as computer retrieval input containing more specific subject matter and legal doctrine references, should be considered in order to permit computer searching from different points of view and with simultaneous, parallel inquiry. Such techniques would avoid generating the unnecessarily large numbers of references which would be produced if all citations to a particular subject matter, not restricted by supplementary parallel limitation, were used as the retrieval base of inquiry.

The PTC is considering calling a limited working conference of persons in the multidisciplinary areas involved in this proposal. The conference will better define the specific needs of the legal profession in such abstracting and will generally explore the soundness of the project. In this endeavor, preliminary thinking

has been undertaken by Deans Rines and Viles (F.P.L.C.), Carolyn Baldwin and Prof. Louis von Gunten (F.P.L.C. library), Prof. Peyton Neal, Jr. (Washington and Lee University School of Law) and Prof. J. Meldman (Sloan School, M.I.T.).

As an experimental start, commencing with this issue of IDEA, we are providing specific abstract material which would appear to be of basic significance in such an overall program, including not only the conventional summary abstract, but also case, statute, word and phrase, and periodical listings at the end of the article. If we are correct in supposing that such information is of value to the practicing bar and bench, this would suggest that the present law journal footnote citations be discarded and that legal references be relegated to a terminal listing suitable for ready computer storage.

We invite comment and critique, as well as participation by interested readers, and close with a note that the responsibility for the necessary abstract materials can readily be shared on a uniform and standardized basis by law students and faculty editors of the scholastic law journals and editorial staffs of related secondary materials.

Research

Inventor Profile. James F. O'Bryon, M.I.T. liaison to the Inventor Profile program being conducted by the PTC and Academy of Applied Science (see IDEA, Vol. 16, no. 1, 1974), has reported that of the one thousand patentees selected at random for the years of 1968 and 1973, more than 25% have completed and returned the questionnaires. This is a very high percentage response for a survey of this nature. An important point in the study is that response to the questions do not come from corporate officers or patent counsel but directly from the inventor.

Preliminary information forwarded by Mr. O'Bryon to the PTC substantiates some present impressions on the U.S. patent system, but uncovers concepts not apparently heretofore recognized within the patent and technological communities. Of the thousand random patentees selected, more than one-quarter were foreigners. In descending order, inventors from West Germany, Japan and the United Kingdom had the greatest foreign representation. Neither the total representation nor the specific countries involved should evoke surprise, however, in light of current trends in the patent system. Mr. O'Bryon noted that most inventors were employees of companies engaged in research and development in areas related

to the patent. Circumstances leading to the invention, moreover, seem to point to the fact that the process was generally a deliberate, systematic pursuit aimed at solving a specific work-related problem. The "flash of genius" and "accidental discovery" seem to be factors only in a small number of inventions. Initial indications show that the vast majority of patentees are men—less than 1% women.

Computer correlation in this study will enable a comparison of inventive activities in different technological fields and in companies of different sizes. Additionally, the role of the independent inventor and the small innovative company will be authoritatively ascertained and contrasted with the large corporate and government inventive activities. Final results will be available this fall.

The survey has been extended to the United Kingdom with the assistance of A.L.T. Cotterell, British Institute of Patentees and Inventors. The British Institute distributed the questionnaires in its March, 1975 issue of *The Inventor*. The questionnaire is currently being translated into Swedish under the direction of Prof. Lars Holmqvist (Lund University) and will reach the patent community in the Scandinavian countries later this year.

Indicators in Patented Technology. The PTC and Law Center completed on schedule their NSF research project on the Study of Indicators of the Role of Science in Patented Technology. According to Thomas Mika of the NSF Science Indicators Unit, the government report and related materials will be published in July of this year and be made available to the public through either the National Science Board or the Government Printing Office. These results, with supplemental data, will also appear in IDEA.

Research Proposals Submitted

Three research proposals have been submitted recently by the Law Center and are presently being considered by the National Science Foundation.

1. Assessment of Historical and Present Effects Upon Incentive to Innovate in Non-Energy Industries (Vital to Promoting the Commercial Development and Use of Alternative Energy Sources) of Patent and Other Proprietary Rights Laws and Regulatory (Including Court) Policies Governing Energy Development and Use, Including Compulsory Licensing and Controlling or Denying Effective Patent Protection.

This proposal involves the evaluation of the impact of specific patent and other proprietary rights policies and attitudes in

various federal regulatory bodies over the past two decades. There would be studied currently compulsory licensing and other patent right restrictions governing energy development and use in terms of the actual degree of encouragement or discouragement of an encompassing set of currently non-energy industries whose innovative commitment and technologies will be essential to promote the rapid commercial development and use of alternative sources of solar and geothermal energy.

2. An Empirical Assessment of the Cost/Benefit Ratio in a Selected Sample of Regulatory Schemes Aimed at Improving the Quality of Consumer Goods and Services.

This study would be initially for collecting data on the relative effectiveness or the reasons for ineffectiveness of nine relatively distinct regulatory programs. The thrust of the proposal is not so much for the collecting of original empirical data as for the establishment of a program for the assembly of, synthesis of, and resolution of conflicts in data from available sources.

3. Assessment of Historical Effects of Different Regulatory Schemes and Types of Regulation upon the Creation of Technological Innovation and the Economic Development Thereof in a Selected Set of Industries Over the Past Two Decades.

An evaluation is proposed of the impact of various schemes of federal regulatory policies over the past two decades upon innovation by a specific and encompassing set of industries, the objective being to provide a ready presentation indicating regulation versus technological innovation. Such presentation may serve as a possible future decision-making guide for use by legislators, regulatory and industrial organizations.