UN environment programme threatened

Officials urge withdrawal of US support

Washington

The future of the United Nations Environment Programme (UNEP) has been placed in jeopardy by the decision of top officials in the US State Department to recommend withdrawal of all US funds for the programme from the beginning of October. Environmentalist groups and others are lobbying hard to prevent the State Department from officially endorsing this position, since the \$10 million which the United States contributes annually to UNEP is about a third of its total budget.

The budget cuts are a direct result of President Reagan's decision three weeks ago to demand an immediate across-the-board cut of 12 per cent in so-called discretionary spending for all federal agencies.

A resolution passed by both the House of Representatives and the Senate at the end of October — the stop-gap measure needed to ensure that government departments continue operating even though their budgets for the fiscal year 1982, which starts on 1 October 1981, have not yet been agreed to — contained a 12 per cent cut in the \$215 million allocated for voluntary contributions to international funds by the State Department. Documents apparently drafted by officials of the Office of International Organizations recommend that, rather than distribute these cuts across all agencies funded out of this budget category, the reductions should be made by completely eliminating contributions to particular funds.

Among those recommended for elimination is the \$7.5 million which was to have contributed to the Interim Fund for Science and Technology, set up following the UN Conference on Science and Technology for Development in Vienna in 1979. There seems little likelihood that this contribution will be rescued, partly because there is no significant constituency in Washington lobbying for the Interim Fund. The outlook is equally bleak for two other contributions, one for a Trust for South Africa, the other to support UN activities in Namibia.

The proposal to cut UNEP funding could run into stiffer opposition. Representative Don Bonker, chairman of the human rights and international organizations subcommittee of the House of Representatives Foreign Affairs Committee, has already written a letter of protest to Mr Elliot Abrams, Assistant Secretary of State

for International Organizations, and is to meet Mr Abrams this week. One of the points which Mr Bonker is expected to make is that a move which could eventually lead to the dismemberment of UNEP as an independent agency could have repercussions for the United States not only

in its relations with other industrialized nations, such as Sweden, which support the programme, but also with developing nations. UNEP, based in Nairobi, Kenya, is the only UN agency to have its headquarters in a Third World country.

David Dickson

Patents to mean slow publication?

Washington

The fear that merely submitting a manuscript to a scientific journal for possible publication could jeopardize the chance of obtaining subsequent patent protection in some European countries has prompted four US federal agencies to require notification of any potentially patentable research results at least three months before they are submitted for publication.

This rule is the result of a circular issued by the Office of Management and Budget (OMB) in July suggesting how it might apply the terms of a new patent law, covering federally sponsored research carried out in universities and small businesses, passed by Congress at the end of last year. The rule has already been adopted by the Department of Energy, the Department of Defense, the National Aeronautics and Space Administration and the Environmental Protection Agency.

The proposed rule has already created a storm of protest from the US research community, which claims that, by threatening to deny a scientist patent rights to a discovery if the procedure is not followed, it could seriously impede scientific communication.

In its final form, to be issued by OMB before the end of the year, the bill is likely to be at best a compromise between scientists who feel that they should be free to try to get a scientific discovery into print as soon as possible, and federal administrators who fear that excessive zeal to publish could jeopardize foreign patent rights.

The July circular from OMB says that all federal agencies will have the option of requiring those scientists they support to notify the agency of patentable research three months before a manuscript is submitted for publication in a professional journal. According to OMB's Office of Federal Procurement Policy, agencies favouring this requirement feel that it is necessary to assure protection of foreign patent rights, particularly when national security interests are involved. But the National Science Foundation (NSF) and the National Institutes of Health (NIH) have already indicated that they have no intention of exercising this option, leaving scientists to inform their funding agencies of results at the same time as they submit them for publication.

Dr Howard W. Bremer, patent counsel

for the Wisconsin Alumni Research Foundation — one of the most successful university-based licensing groups in the United States — claimed that the OMB statement that merely submitting research findings to a scientific journal represented a form of disclosure that could act as a statutory bar in some European countries to later patenting was "wholly without foundation".

Mr James Denny, assistant counsel for patents at the Department of Energy and chairman of the interagency group responsible for drawing up the proposed regulations, disagrees. The problem would not apply in the United States, where a patent can be applied for up to one year after publication of research results, but under the new patent rules introduced by the European Economic Community, scientists might be unwittingly forfeiting their chances of a European patent.

At NIH, plans are already being drawn up to implement the government's new patent policy, which is essentially an extension to all universities and small businesses of the Institutional Patent Agreements which individual agencies such as NIH and NSF had previously negotiated with a limited number of research universities.

There are other worries resulting from the new patent laws. Several members of a subcommittee of the Advisory Committee to the Director of NIH, looking at co-operative research relationships with industry, have expressed concern about the condition proposed by OMB that for research jointly funded by the federal government and a private sponsor, the patent should remain the property of the government, however small its contribution to the research.

If rigidly interpreted this might scare off potential corporate supporters, but OMB's associate administrator Mr Fred Dietrich says that the provision would be invoked only where there had been a clear transfer of potentially patentable ideas, for example from a scientist working on the federally sponsored part of a project to one working on the corporate-sponsored part. All of which suggests that researchers will certainly have to keep meticulously detailed records of who paid for the various aspects of their work.

As a result of the new patent law, NIH will in future require anyone receiving a grant to sign an agreement stating that one