

# Anti-trust waiver for industrial research

## Justice blesses inter-company collaboration

### Washington

The US Department of Justice has given the green light to research programmes jointly sponsored by two or more private companies, arguing that in general — and provided certain criteria are respected — these should not conflict with the country's strict anti-trust legislation.

Uncertainty about the implications of anti-trust laws is often cited by US business as an obstacle to greater cooperation in research. Their concern is that, once a joint research project has been agreed and set up, they may be accused of violating legislation developed to ensure maximum competitiveness between rival companies.

As a result, anti-trust legislation was closely studied during last year's domestic policy review of industrial innovation, carried out under the auspices of the Office of Science and Technology Policy (OSTP) and the Department of Commerce.

Announcing the results of this review last November, President Carter said that by spurring competition, anti-trust policies could provide a stimulant to innovation, but he added that in some cases — such as research — industrial cooperation might have clear social and economic benefits for the country.

"Unfortunately our anti-trust laws are often mistakenly viewed as preventing all cooperative activity", Mr Carter said. And, rather than proposing any change to the law, he instructed the Department of Justice to publish a guide explaining its interpretation of the laws that already exist.

The guide was finally published in Washington last week. It is now being closely studied by companies and research associations contemplating joint research ventures, since, although not a legally binding document, it indicates how the department is likely to react to particular arrangements.

The guide should also help to clear the way for the creation of so-called Cooperative Generic Technology (COGENT) centres. These have been proposed by the Department of Commerce and the National Science Foundation, jointly funded by government and various industrial companies in fields such as welding, lubrication and powdered metal processing. The idea was approved by Congress in recently passed legislation.

The guide points out that there are various ways in which joint research

ventures could involve anti-trust considerations. For example, they could lead to market-dominating technology, to unfair collaboration between commercial competitors or to restrictive agreements on the use of research results.

Each of these might restrict open competition. At the same time, the guide says, competitiveness is a source of increased innovation — while innovation itself is a basis for commercial competitiveness — so that to discourage the one is to discourage the other.

So the challenge is to develop an arrangement that will maximize the rate of innovation (and hence competitiveness) by permitting research that would not otherwise be carried out, but in a way that does not give one or more companies an

unfair advantage over others in the same field.

Rather than providing any hard and fast rules on how this should be done, the Department of Justice offers general guidance on how it would probably interpret existing statutes in particular situations. And it includes eight hypothetical case studies intended to illuminate its position.

As far as basic research is concerned, the department says that cooperation is unlikely to be much of a problem, since the competitive significance of the research is likely to be largely speculative and, as the results would be published in the open literature, there should be few problems about equal access by other companies.

David Dickson

## Science foundation all set at last

### Washington

As widely expected, the US National Science Foundation (NSF) has announced its intention to set up a new directorate for engineering, and to distribute responsibility for applied science — at present administered jointly with engineering — across the foundation's basic science directorates.

Announcing the planned reorganization to members of the National Science Board last week, NSF's director-designate, Dr John Slaughter, said that creating the new directorate meant that the foundation intended to seek more resources for the engineering disciplines.

The reorganization is the result of discussions that have been taking place within NSF since early in the summer, and are partly in response to outside criticism that NSF has not been doing enough to encourage engineering research, with the result that engineering has suffered in comparison with more traditional basic science disciplines.

At the same time, NSF has dropped a proposal that had also been under discussion to set up a new directorate for social science, at present linked with the biological and behavioural sciences. Although many researchers had argued that such a move could help to enhance the academic status of social science research, administrators had voiced fears that it might increase the visibility of the social science research budget — and hence its vulnerability to congressional budget cuts.

According to Dr Slaughter, the new reorganization means that although basic research remains the central mission of NSF, the base of support for applied research will be broadened, since all research directorates will now support applied research projects while keeping their basic research programmes more or less in being.

In addition, the reorganization would

give new emphasis to engineering research and education, Dr Slaughter told the members of the National Science Board, which is formally responsible for the activities of NSF and had previously endorsed the reorganization proposals.

NSF officials hope that, by giving engineering research a new emphasis, they will be able to head off plans to set up a National Technology Foundation, contained in a bill introduced to the House of Representatives by Mr George Brown, chairman of the House Science and Research Subcommittee.

In a letter to Dr Donald Langenberg, acting NSF director, Mr Brown said that Congress might conclude, in studying the technology foundation concept, that "existing mechanisms to improve the state of technology are not able to handle current challenges, and that major programme dislocations are not too high a price to pay for a fundamental programme reorientation".

Several members of the engineering research community, while welcoming NSF's greater emphasis on engineering, have been saying that this will only improve the situation for engineering research, which now receives only about 10 per cent of the NSF's budget, if it results in more money being made available by Congress.

David Dickson

## Nuclear power

## Border problems

### Brussels

France's policy of siting nuclear power stations on its frontiers has aroused antagonism both in the European Parliament and among environmental groups. The European parliament met on 19 November to discuss a report by Mechthild von Alemann (German, Liberal) which reflected the concern over the French government's plans to build