

DELEGATIONS OF AUTHORITY

PTI - D00 10-1

c. Sections 5, 6 and 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (P.L. 96-480) relating to studies of technological development in the United States, cooperative technology arrangements, and the transfer of industrial technology from the Federal Government to the private sector.

d. Section 18 of the Office of Management and Budget Circular A-124, dated February 19, 1982, issued pursuant to P.L. 96-517, assigning to the Department lead agency responsibility with respect to the implementation of Federal patent policy.

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b. The functions in Executive Order 10096 (except section 5) and Executive Order 10930, insofar as these functions relate to determining the ownership of patents and rights to inventions made by Government employees;

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b. Executive Order 9865, as amended by Section 5 of Executive Order 10096 and by Executive Order 10930, to the extent that this authority is not reserved to the Assistant Secretary for Science and Technology in Department Organization Order 10-1.

NOTE - ALL 3 CONTAIN A PROVISION LIKE

e. Such functions under other authorities of the Secretary of Commerce as are applicable to performing the functions assigned in this Order.

FUNCTIONS

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d. Identify and analyze barriers to productivity improvement and technological growth in the U.S. economy, and provide leadership and assistance in developing policies and programs designed to foster greater private sector use of productivity measurement and improvement techniques, enhance the flow of Federally funded technologies to the private sector, and facilitate cooperative research and development arrangements;

f. Perform lead agency functions concerning Federal patent policy, including coordinating, monitoring, gathering relevant data, evaluating relevant programs and activities, developing uniform Government-wide standards for implementation of Federal patent policy, preparing reports, disseminating information, making recommendations, and taking other actions necessary to assure maximum private sector opportunity for commercializing inventions resulting from projects financed with Federal government funds.

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.03 Decide the ownership of patents and the rights to inventions made by Government employees, as provided by Executive Orders 10096 and 10930.

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h. File patent applications and obtain patents thereon in foreign countries for inventions owned by the United States of America and in the custody of the Secretary of Commerce and issue licenses under the foreign applications and patents;

i. Issue domestic licenses on patent applications and patents assigned to the United States of America and in the custody of the Secretary of Commerce; and

j. Provide liaison and coordination with the Committee on Government Patent Policy of the Federal Council for Science and Technology, furnish executive secretariat support to the Committee, advise the Assistant Secretary for Science and Technology on Committee matters, and assist in the development and formulation of a uniform Government-wide patent policy.

JAN 12 1982

MEMORANDUM FOR: HONORABLE MALCOLM BALDRIDGE
SECRETARY OF COMMERCE

FROM: DAVID A. STOCKMAN D. A. S.
DIRECTOR

SUBJECT: Assignment of Lead Agency for
Implementation of P.L. 96-517

As you may know, we will soon issue a new OMB Circular which provides uniform implementing guidance for the Government patent policy section of Public Law 96-517, "The Patent and Trademark Amendments of 1980." This Act gives nonprofit organizations and small businesses a first right of refusal to title in inventions they have made in performance of Government grants and contracts. The Act takes precedent over approximately 26 conflicting statutory and administrative policies.

Since the Act is a fundamental change in the more traditional policy of Government ownership to inventions made with its support, we believe it is essential that a lead agency be designated to review agency implementing regulations; disseminate and collect information; monitor administrative or compliance measures; evaluate the Act's implementation; and recommend appropriate changes to OMB/OFPP. (A more detailed list of proposed lead agency functions and staffing is provided in Attachment A.)

The Department of Commerce seems the natural choice for assignment of this new lead agency function due to its prior experience and wide ranging interest in technology transfer, productivity, innovation and Government patent policy. In order to take full advantage of Commerce's experience and to support the expansion of the concept of P.L. 96-517 to all recipients of Federal research and development funding, the proposed functions include authority to collect information and recommend policy and regulatory changes that affect recipients beyond those covered by the Act.

I hope you will accept the responsibility for the lead agency which we believe will be challenging and rewarding. I would appreciate your designating an official to work with my staff in developing the details necessary to assure smooth implementation of the Circular and the lead agency.

I have designated Don Sowle, the Administrator of the Office of Federal Procurement Policy as my staff focal point, who has responsibility for issuing patent policy regulations implementing P.L. 96-517.