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University wants invention protection, supports bill clarifying patent rules

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Several academic institutions, including the university, are backing a U.S. Senate bill, now awaiting House approval that could awaken the slumbering economy by mainstreaming inventions into the marketplace.

Last April the Senate, by a vote of 91 to 4, passed the "University and Small Business Patent Procedures Act." Sponsored by Sen. Birch Bayh (D.-Ind.), the bill gives universities and small businesses limited patent protection on inventions they develop with the aid of federal dollars.

Under the government's current patent policy, the government retains patent rights to inventions made through research it funded.

But 91 Senators, the Association of American Universities, the Society of University Patent Administrators, scores of small businesses and at least two universities — here and the University of Wisconsin — believe the government's policy is detrimental to the economy because it interferes with the investment interests of universities and small businesses.

"Thousands of new and innovative products are being kept from the marketplace because of

conflicting and illogical government regulations relating to the licensing of patents on inventions developed with the aid of federal research dollars," states a *News from Birch Bayh* memo.

Joe Allen, of Bayh's judiciary committee staff, said that over the last 20 years, the government has had an inconsistent policy towards funding university and small business research.

"Federal agencies have about 20 different patent policies, and you can have a good experience with one and a bad experience with another," Allen said. "This bill will make it so when businesses or universities enter into a contract with a federal agency, they know what is happening."

According to Bayh, the government has patent rights to more than 30,000 inventions, ranging from drugs to submersible aircraft carriers. Yet few of these inventions are ever licensed to industry for development and production, he said.

Before a firm can develop and market an invention, it must first be licensed by the inventor. When a firm is granted exclusive licensing privileges, only that firm is allowed use of the invention. Non-exclusive licensing means no one firm receives total rights to an invention.

Universities have traditionally been a major

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