



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

April 28, 1976

GLP.DRF.SS14952

Oregon State University
Attn: J. Ralph Shay
Assistant Dean of Research
Corvallis, Oregon 97331

Dear Mr. Shay:

This will acknowledge receipt of and thank you for your letter of April 16, 1976, to the Secretary of the United States Department of the Interior. Your letter requested that you would like to work for a blanket patent agreement that would apply to all grants and contracts between your university and the entire U. S. Department of the Interior.

The Department of the Interior encompasses a number of different Bureaus and Offices which function under various acts of Congress. In certain of the Organic Acts, language is contained which dictates the disposition of rights in government funded research and development activities. For example, the Office of Water Research and Technology functions under an Organic Act containing language which has been interpreted to require the Government to take the full and domestic right and interest in any subject inventions that eminent from the research and development activities. Certain other Bureaus of the Department do not have such limiting provisions and presently are able to grant greater rights to the contractors. These rights are well outlined in the newly adopted procurement regulations, a copy of which is enclosed herewith.

After a study of the enclosed regulations, you will find that upon meeting certain criteria, the contractor may retain title to subject inventions while conveying to the Government a non-exclusive, royalty-free license for Governmental purposes.

While we appreciate your concern and interest in securing a blanket agreement for your University and the Department of the Interior, we cannot at this time enter into a blanket agreement with you in view of the varying provisions of certain of the Organic Acts. For your information, there is a

move afoot within the Government to seek government-wide patent policy legislation under which all of the various Departments of the Federal Government would operate under the uniform government-wide patent policy. The proposed legislation now in draft form and hopefully will be introduced before the closing of this session of Congress. We are not optimistic that the legislation will be enacted into law during this Congress, but hopefully the next Congress may accomplish this objective.

Should you have any further questions regarding this matter please let me know. My telephone number is area code 202--343-4471.

Sincerely yours,

/s/

Donald R. Fraser
Assistant Solicitor,
Patents
Division of General Law

Enclosure