



DEPARTMENT OF THE NAVY

OFFICE OF NAVAL RESEARCH

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Mr. L. William Patchen
Director & Chairman of University
Patent Committee
Syracuse University
Skytop Office Building, Skytop Road
Syracuse, NY 13210

Dear Mr. Patchen:

Your letter of 9 September to Mr. Dale R. Babione concerning the recent revision of the patent rights provisions of the Armed Services Procurement Regulation (ASPR) by Defense Procurement Circular 75-3 has been referred to me for response as Chairman of the Patents Subcommittee of the ASPR Committee.

In essence, your letter requested information on the nature of the procedure for determining, and the requirements of, an effective technology transfer program.

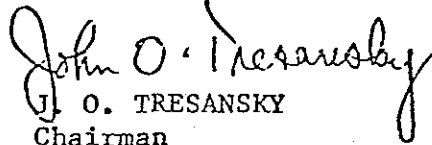
As presently envisioned, a determination will be made at the time of each procurement whether a prospective contractor has an effective technology transfer program upon the basis of information provided at that time by a contractor evidencing prior success in transferring technology, as by the licensing of inventions, directly related to a field of technology involved in the procurement. This information will be elicited from contractors by an amended version of present DD Form 1564, a copy of which is enclosed. If a contractor is determined to have an effective technology transfer program, a patent rights clause will be included in the contract allowing the contractor the first option to principal rights in any invention made under the contract. If, in turn, a contractor is determined not to have such a program, or to satisfy any of the other criteria indicative of an established non-governmental commercial position, a clause will be included which will enable a contractor to request retention of principal rights to an invention after it is made under a contract. The Circular sets forth the information to be furnished by contractors in support of such requests and the criteria to be applied by the Government.

The Circular is a revision of the ASPR and is being sent by the Government Printing Office to subscribers of the Regulation. If you are not a



subscriber, and wish to become one, a subscription may be obtained from the Superintendent of Documents, Public Documents Department, U.S. Government Printing Office, Washington, DC 20402.

Sincerely yours,

Handwritten signature of John O. Tresansky in cursive script.

J. O. TRESANSKY

Chairman

ASPR Patents Subcommittee

Enclosure